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Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

PART I—ADMINISTRATIVE REGULATIONS

PROCEEDINGS BEFORE THE DEPARTMENT, REPRESENTATION; AMENDMENT

By virtue of the authority vested in the Secretary of Agriculture under section 161 of the Revised Statutes as amended (5 U.S.C., 1940 ed. sec. 22), Title 7, Subtitle A, Part I, § 1.1579, Code of Federal Regulations is amended to read as follows:

§ 1.1579 *Representation in proceedings before the Department.* In any proceeding before the Department, the parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity at a hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person who is acting or has acted as counsel or representative for another person in any proceedings before the Department is guilty of unethical conduct, he will order that such person be precluded from acting as counsel or representative in any proceeding before the Department.

No former officer or employee of the Department of Agriculture shall, within two years after termination of his employment, be permitted to practice or appear, or to act as an attorney or agent, in any case, claim, contest, or other proceeding before the Department, or before any office, bureau or agency thereof.

This regulation shall not be construed to prevent any former officer or employee of the Department from appearing as a witness in any hearing, investigation, or other proceeding before the Department.

Done at Washington, D. C., this 20th day of April, 1943. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPELBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-6198; Filed, April 21, 1943;
11:27 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 116—CIVIL AIR NAVIGATION

APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

NOTE: For the text of the amendments to this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *infra*.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Food Distribution Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

GREENVILLE STOCK YARDS, GREENVILLE, MISS.¹

By a document published in the FEDERAL REGISTER on April 11, 1939 (4 F.R. 1568), notice was given by the Acting Secretary of Agriculture that the Greenville Stock Yards, Greenville, Mississippi, owned by C. I. Stafford & Sons, was a stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U.S.C. 1940 ed. 181 et seq.). The name of this stockyard appears incorrectly in the Code of Federal Regulations (9 CFR, 1939 Sup., 204.1) as G. I. Stafford & Sons.

It has been ascertained that the area of this stockyard normally used is now less than twenty-thousand square feet, so that the act no longer applies to it. Therefore, notice of such fact is given to its owners and to the public, and its name is deleted from the list of posted

¹ Modifies list posted stockyards, 9 CFR 204.1.

(Continued on next page)

IMPORTANT NOTICE

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stockyards in the Code of Federal Regulations, cited above.

(42 Stat. 159; 7 U.S.C. 1940 ed. 181 et seq.)

Done at Washington, D. C., this 20th day of April 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the
Secretary of Agriculture.²

[F. R. Doc. 43-6199; Filed, April 21, 1943; 11:27 a. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

D. E. BLACKWELL COMMISSION CO.,
ATLANTA, GA.¹

It has been ascertained that D. E. Blackwell Commission Company, Atlanta, Georgia, does not handle livestock in interstate commerce and no longer comes within the definition of stockyard in the Packers and Stockyards Act, 1921 (7

¹ Modifies list posted stockyards, 9 CFR. 204.1.

² Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81, 7 F.R. 2656).

U. S. C. 1940 ed. 181 et seq.). Therefore, notice of such fact is given to its owner and to the public, and its name is deleted from the list of posted stockyards in the Code of Federal Regulations (9 CFR, 1941 Supp., 204.1).

(42 Stat. 159; 7 U.S.C. 1940 ed. 181 et seq.)

Done at Washington, D. C., this 20th day of April 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.²

[F. R. Doc. 43-6200; Filed, April 21, 1943; 11:27 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial 269]

PART 228—FREE AND REDUCED RATE TRANSPORTATION

SCOPE AND PRACTICES

Amendment 1 of § 228.4.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of April 1943.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 403 (b) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective May 1, 1943, § 228.4 of the Economic Regulations is hereby amended in its entirety to read as follows:

§ 228.4 *Free and reduced rate transportation, scope and practices*—(a) *Definitions*. As used in this regulation, unless the context otherwise requires:

(1) "Carrier" means an air carrier or a foreign air carrier.

(2) An "affiliate" of a carrier means a person:

(i) Who controls such carrier, or is controlled by such carrier or by another person who controls or is controlled by such carrier, and

(ii) Whose principal business in purpose or in fact is:

(a) The holding of stock in one or more carriers, or

(b) Scheduled transportation by air or the sale of tickets therefor, or

(c) The operation of one or more airports, one or more of which is used by such carrier or by another carrier who controls or is controlled by such carrier or who is under common control with such carrier by another person, or

(d) Activities devoted to the scheduled transportation by air conducted by such carrier or by another carrier who controls or is controlled by such carrier or who is under common control with such carrier by another person.

Within the meaning of this subparagraph, "control" means the beneficial ownership of more than 40 per centum of outstanding voting capital stock unless, as to the specific case, the Board shall have determined in a proceeding pursuant to section 403 of the Act that control does not exist; such control may be direct or by or through one or more intermediate subsidiaries likewise controlled or controlling through beneficial ownership of more than 40 per centum of outstanding voting capital stock.

(3) "Pass" means a written authorization issued by a carrier for free or reduced-rate transportation of persons or property; "annual pass" means such an authorization effective over a period of a calendar year; "term pass" means such an authorization effective over a specified period of less than a year; "trip pass" means such an authorization for a single one-way trip or round trip (whether the return trip is made via the same or a different route as the outbound trip) between designated points.

(4) "Free transportation" means the carriage by a carrier of any person or property (other than property owned by such carrier) in air transportation without compensation therefor; "reduced-rate transportation" means such carriage for a compensation less than that under the rate, fare, or charge published in the tariffs of such carrier on file with the Board and otherwise applicable to such carriage.

(5) All other words and phrases shall have the meaning defined in the Act.

(b) *Persons to whom free or reduced-rate transportation may be furnished.* Subject to the provisions of the Act and the orders, regulations, including this regulation, and rules of the Board now or hereafter in effect, any carrier may at its option provide free or reduced-rate transportation to any or all classes of persons specifically mentioned in section 403 (b) of the Act; and in addition thereto, all carriers engaged in overseas or foreign air transportation may furnish free or reduced-rate transportation to:

(1) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in the list of affiliates filed by such carrier pursuant to paragraph (g) (3) of this section.

(2) Directors, officers, and employees, and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mails by air, or conducting transportation by air, in a foreign country, but only over routes and in territories served in such foreign country.

(3) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest.

(c) *Passes to be issued.* No carrier shall furnish any free or reduced-rate transportation unless a pass therefor has been issued, except that passes need not be issued:

(1) For any transportation provided for in any tariff on file with the Board and currently effective when such transportation is furnished.

(2) For necessary travel of the carrier's own directors, officers or employees in the performance of their official duties.

(3) For free or reduced-rate transportation of persons injured in aircraft accidents or of physicians or nurses attending such persons, or with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

(4) For free or reduced-rate transportation authorized in any other section of the Economic Regulations or Order of the Board now or hereafter in effect.

(d) *Form of pass.* No carrier shall issue any form of pass other than an "annual," "term," or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official named in the list referred to in paragraph (g) (1) hereof, or the facsimile signature of such an official and the counter-signature in ink of some other official or responsible subordinate who is designated by name and title on the pass, and before presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this paragraph as to form.

(e) *Carrier's records.* Each carrier shall maintain a record of all passes issued by it, which record shall be filed in such manner as to be accessible and convenient for examination, and shall contain the following information: the type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the Act and under this regulation; privileges accorded thereunder; points between which transportation is authorized, or, in the case of "annual" and "term" passes, the route number or system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. All correspondence or memoranda relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of reduced-rate transportation, the records shall show the amount of the charge assessed or assessable.

(f) *Carrier's rules to be filed with the Board.* Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules

and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Three copies of any change in any such instructions, rules, regulations or statement of practices must be filed with the Board within thirty days after the effective date of such change.

(g) *Filing of lists.* Before issuing any pass each carrier shall file with the Board:

(1) A list containing the name and title of each of its officials upon whose authorization passes may be issued,

(2) A list containing the name and title of each of its officials who are authorized to request passes from other carriers, and

(3) In the case of issuance of passes to directors, officers, employees, or members of their immediate families, of any affiliate of such carrier, a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business.

Any change in any of such lists must be filed with the Board within fifteen days after such change is effective: *Provided*, That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.

(h) *Application for authority to carry other persons.* Any carrier desiring special authorization under section 403 (b) of the Act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons not described in that section or in paragraph (b) of this regulation may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom and the points between which such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. Except as hereinafter provided, the application shall be made at least ten days before the transportation is to be furnished, and shall contain a definite indication that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. Such application shall be deemed to have been granted unless the Board shall otherwise advise the carrier within seven days after the application is received by the Board. In extraordinary cases, and for good cause shown, the application may be made within less than ten days before the transportation is to be furnished, but in such event shall not be deemed to have been granted unless the carrier is so advised before the transportation is furnished.

(i) *Repealer.* Section 228.5 of the Economic Regulations, as amended, hereby is repealed, but nothing contained herein

shall be construed as repealing or amending any provision of any other section of the Economic Regulations.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 43-6172; Filed, April 20, 1943;
12:03 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4777]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GARMENT BOX MANUFACTURERS ASSOCIATION,
ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of garment boxes and other similar merchandise, and on the part of respondent Garment Box Manufacturers Association, some 22 corporations, individuals and partnerships, members thereof, and seven individuals, manager, president and directors, and their various representatives, etc., and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to (1) establish, fix, or maintain prices for garment boxes or adhere to or promise to adhere to prices so fixed; (2) hold or participate in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent Garment Box Manufacturers Association or any other medium or agency concerning proposed or future prices at which respondents should sell garment boxes or other similar merchandise; (3) exchange, distribute, or relay among respondent members or any of them or through respondent Garment Box Manufacturers Association or through any other medium or central agency duplicate invoices, daily sales analyses, or other information showing current or future prices, or information showing the current or future prices of any particular respondent; or (4) exchange, distribute, or relay among respondent members or any of them or through respondent Garment Box Manufacturers Association or through any other medium or central agency duplicate invoices, daily sales analyses, or other information which discloses to competing respondent members data on prices charged and quantities sold on individual sales to named customers, or information as to quantities of garment boxes sold by any respondent member to any particular customer or group of customers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease

and desist order, Garment Box Manufacturers Association, et al., Docket 4777, April 10, 1943]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of garment boxes and other similar merchandise, and on the part of respondent Garment Box Manufacturers Association, some 22 corporations, individuals and partnerships, members thereof, and seven individuals, manager, president and directors, and their various representatives, etc., and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to (1) fix, determine, designate, or maintain sales quotas or allocations of business among respondent members or formulate, promote, place in effect, or participate in any plan or policy to allocate or divide among respondent members or any of them the total business of the industry or any part thereof or any lot or piece of business or the business of any purchaser or purchasers; (2) formulate, promote, place in effect, or participate in any plan or policy which provides for a penalty for exceeding any sales quota established by such plan or policy or for reimbursement for failing to sell such quota; or (3) adhere to or promise to adhere to any allocation or division of any lot or piece of business or the business of any given purchaser or purchasers by refusing to sell such purchasers or prospective purchasers so allotted to particular respondent members; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Garment Box Manufacturers Association, et al., Docket 4777, April 10, 1943]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24 (a) *Coercing and intimidating—Competitors—By threatening disciplinary action or otherwise:* § 3.27 (d) *Combining or conspiring—To enhance maintain or unify prices:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies from competitors' customers.* In connection with offer, etc., in commerce, of garment boxes and other similar merchandise, and on the part of respondent Garment Box Manufacturers Association, some 22 corporations, individuals and partnerships, members thereof, and seven individuals, manager, president and directors, and their various representatives, etc., and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to (1) coerce, induce, or persuade, or attempt to coerce, induce, or persuade,

respondent members to adhere to or maintain prices or sales quotas among respondent members by maintaining any agency, committee, or bureau as a disciplinary or punitive agency to enforce the provisions of any plan or policy with reference to the allocation of business among respondent members, or to collect or enforce payment of any assessment or penalty to cover violation of quota sales provided by such plan or policy; (2) coerce, induce, or persuade, or attempt to coerce, induce, or persuade, respondent members to adhere to or maintain prices or sales quotas among respondent members by requiring the deposit of sums of money by respondent members to guarantee or assure the maintenance by such respondent members of any quota or allocation of business established by any plan or policy adopted by the respondent Association or the respondent members or by providing for the payment of a penalty by any respondent member who might exceed such quota or allocation of business so established; (3) coerce, induce, or persuade, or attempt to coerce, induce, or persuade, any competitor of respondent members who does not maintain the prices fixed by said respondent members to discontinue the business of selling garment boxes; or (4) refuse to sell or agreeing not to sell garment boxes to any purchaser or user thereof who buys or has bought garment boxes from any assembler, dealer, or distributor who is not a member of respondent Association; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Garment Box Manufacturers Association, et al., Docket 4777, April 10, 1943]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of garment boxes and other similar merchandise, and on the part of respondent Garment Box Manufacturers Association, some 22 corporations, individuals and partnerships, members thereof, and seven individuals, manager, president and directors, and their various representatives, etc., and among other things, as in order set forth, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to (1) authorize or permit the examination of the books and records of the respondent members by any agent of the respondent Garment Box Manufacturers Association or by any agent of the respondents or any of them to determine or check the quantity of garment boxes sold by any respondent member, the prices charged by such respondent member, and the extent to which any respondent member has or has not sold garment boxes within the quotas established or the extent to which such respondent member has or has not complied with any plan for allocation of sales; (2) formulate or put into operation any other

practice or plan which has the purpose of or the tendency or effect of fixing prices for garment boxes, or otherwise restricting, restraining, or eliminating competition in the sale and distribution of garment boxes; or (3) employ or utilize respondent Garment Box Manufacturers Association or any other medium or central agency as an instrument or vehicle or aid in performing or doing any of the acts and practices prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Garment Box Manufacturers Association, et al., Docket 4777, April 10, 1943]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of April, A. D. 1943.

In the Matter of Garment Box Manufacturers Association; Samuel Small, President; and Daniel Bellin, Samuel Small, Morris Bradhoff, Harry Siegel, Bernard N. Jaffe, and Henry Rosen, Directors; Bilt-Rite Box Corporation; Chic Container Corporation; Excel Container Corporation; F & F Box Company; Gates Container Corporation; Gem Corrugated Box Corporation; Independent Container Corporation; Rainbow Container Corporation; Small Brothers Container Corporation; Solid Container Corporation; Spear Box Company, Inc.; State Container Company; United Box Corporation; York Box and Paper Corporation; Phineas Beck, Trading as Beck Container Company; J. Holman; Bernard N. Jaffe; Max Firsty, Trading as M & F Box Company; Louis H. Clark, Trading as Interboro Container Company; Samuel Goldstein and Abraham Goldstein, Trading as Merit Container Company; Henry Rosen and Marvin A. Rosen, Trading as Mutual Fibre Box Company; Jerome Rosen and Henry Rosen, Trading as Quick Service Box Company; Irving Helsell, Trading as Royal Corrugated Box Co.; Joseph Barbash and Rose Barbash, Trading as Sunshine Paper Box Company, Members; and Samuel L. Wallerstein

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of all the respondents except State Container Company, in which answers said respondents admit all the material allegations of fact set forth in said complaint and waive all intervening procedure and further hearings as to said facts, and also upon testimony and other evidence in support of the allegations of said complaint and in opposition thereto as to respondent State Container Company taken before a trial examiner of the Commission theretofore duly designated by it, and report of the trial examiner upon the evidence (the filing of briefs having been waived and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Garment Box Manufacturers Association, an unincorporated association, Bilt-Rite Box Corporation, a corporation, Ohio Container Corporation, a corporation, Excel Container Corporation, a corporation, F & F Box Company, a corporation, Gates Container Corporation, a corporation, Gem Corrugated Box Corporation, a corporation, Independent Container Corporation, a corporation, Rainbow Container Corporation, a corporation, Small Brothers Container Corporation, a corporation, Solid Container Corporation, a corporation, Spear Box Company, Inc., a corporation, United Box Corporation, a corporation, York Box and Paper Corporation, a corporation, and their respective officers, representatives, agents, and employees; respondents Phineas Beck, an individual trading as Beck Container Company, J. Holman, an individual, Bernard N. Jaffe, an individual, Max Firsty, an individual trading as M & F Box Company, Louis H. Clark, an individual trading as Interboro Container Company, Samuel Goldstein and Abraham Goldstein, individuals trading as Merit Container Company, Henry Rosen and Marvin A. Rosen, individuals trading as Mutual Fibre Box Company, Jerome Rosen and Henry Rosen, individuals trading as Quick Service Box Company, Irving Helsell, an individual trading as Royal Corrugated Box Co., Joseph Barbash and Rose Barbash, individuals trading as Sunshine Paper Box Company, Samuel L. Wallerstein, an individual, and their respective representatives, agents, and employees; and Samuel Small, individually and as president and director, and respondents Daniel Bellin, Morris Bradhoff, Harry Siegel, Bernard N. Jaffe, and Henry Rosen, individually and as directors of Garment Box Manufacturers Association, and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of garment boxes and other similar merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to do or perform any of the following acts or practices:

1. Establishing, fixing, or maintaining prices for garment boxes or adhering to or promising to adhere to prices so fixed.

2. Holding or participating in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent Garment Box Manufacturers Association or any other medium or agency concerning proposed or future prices at which respondents should sell garment boxes or other similar merchandise.

3. Exchanging, distributing, or relaying among respondent members or any

of them or through respondent Garment Box Manufacturers Association or through any other medium or central agency duplicate invoices, daily sales analyses, or other information showing current or future prices, or information showing the current or future prices of any particular respondent.

4. Exchanging, distributing, or relaying among respondent members or any of them or through respondent Garment Box Manufacturers Association or through any other medium or central agency duplicate invoices, daily sales analyses, or other information which discloses to competing respondent members data on prices charged and quantities sold on individual sales to named customers, or information as to quantities of garment boxes sold by any respondent member to any particular customer or group of customers.

5. Fixing, determining, designating, or maintaining sales quotas or allocations of business among respondent members or formulating, promoting, placing in effect, or participating in any plan or policy to allocate or divide among respondent members or any of them the total business of the industry or any part thereof or any lot or piece of business or the business of any purchaser or purchasers.

6. Formulating, promoting, placing in effect, or participating in any plan or policy which provides for a penalty for exceeding any sales quota established by such plan or policy or for reimbursement for failing to sell such quota.

7. Adhering to or promising to adhere to any allocation or division of any lot or piece of business or the business of any given purchaser or purchasers by refusing to sell such purchasers or prospective purchasers so allotted to particular respondent members.

8. Coercing, inducing, or persuading, or attempting to coerce, induce, or persuade, respondent members to adhere to or maintain prices or sales quotas among respondent members by maintaining any agency, committee, or bureau as a disciplinary or punitive agency to enforce the provisions of any plan or policy with reference to the allocation of business among respondent members, or to collect or enforce payment of any assessment or penalty to cover violation of quota sales provided by such plan or policy.

9. Coercing, inducing, or persuading, or attempting to coerce, induce, or persuade, respondent members to adhere to or maintain prices or sales quotas among respondent members by requiring the deposit of sums of money by respondent members to guarantee or assure the maintenance by such respondent members of any quota or allocation of business established by any plan or policy adopted by the respondent Association or the respondent members or by providing for the payment of a penalty by any respondent member who might exceed such quota or allocation of business so established.

10. Coercing, inducing, or persuading, or attempting to coerce, induce, or persuade, any competitor of respondent

members who does not maintain the prices fixed by said respondent members to discontinue the business of selling garment boxes.

11. Refusing to sell or agreeing not to sell garment boxes to any purchaser or user thereof who buys or has bought garment boxes from any assembler, dealer, or distributor who is not a member of respondent Association.

12. Authorizing or permitting the examination of the books and records of the respondent members by any agent of the respondent Garment Box Manufacturers Association or by any agent of the respondents or any of them to determine or check the quantity of garment boxes sold by any respondent member, the prices charged by such respondent member, and the extent to which any respondent member has or has not sold garment boxes within the quotas established or the extent to which such respondent member has or has not complied with any plan for allocation of sales.

13. Formulating or putting into operation any other practice or plan which has the purpose of or the tendency or effect of fixing prices for garment boxes, or otherwise restricting, restraining, or eliminating competition in the sale and distribution of garment boxes.

14. Employing or utilizing respondent Garment Box Manufacturers Association or any other medium or central agency as an instrument or vehicle or aid in performing or doing any of the acts and practices prohibited by this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to State Container Company, a corporation.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-6189; Filed, April 21, 1943;
11:15 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

PART 4—AIR COMMERCE REGULATIONS

APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

Amendments to regulations for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration.

The regulations for the application to Civil Air Navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration issued by the Acting Secretary of the Treasury, The Federal Security Administrator, the Acting Secretary of Commerce, and the Acting Attorney Gen-

eral, within their respective authorities, on August 28, 1941, as amended on October 31, 1941, June 5, 1942, and September 21, 1942 (6 F.R. 4516, 4536, 4537, 4514, 5582, 5583, 5596 and 7 F.R. 4471, 4472, 4496, 7800, 7813; 19 CFR 4.1 to 4.11, 42 CFR 11.501 to 11.516; 14 CFR 904.1 to 904.15, and 8 CFR 116.1 to 116.16), are hereby further amended as follows:

Section 4.8 (c) (1) of Title 19, Code of Federal Regulations, also designated as § 11.508 (c) (1) of Title 42, § 904.8 (c) (1) of Title 14 and § 116.8 (c) (1) of Title 8, is amended by deleting the last sentence. (R.S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, sec. 5, 27 Stat. 451, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U.S.C. 22, 19 U.S.C. 66, 1644, 49 U.S.C. 177, 42 U.S.C. 94, 8 U.S.C. 102, 222. Secs. 201 (a), 205 (b), President's Reorganization Plan No. I, sec. 1, President's Reorganization Plan No. V; 4 F.R. 2728, 2729, 5 F.R. 2132, 2223. E.O. 9083, Feb. 28, 1942; 7 F.R. 1609)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.
HERBERT E. GASTON,
Acting Secretary of the Treasury.
PAUL V. McNUTT,
Federal Security Administrator.
FRANCIS BIDDLE,
Attorney General.

APRIL 14, 1943.

[F. R. Doc. 43-6183; Filed, April 21, 1943;
10:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—United States Employees' Compensation Commission

Subchapter F—Regulations Governing the Administration of Title I and Title II of the Act of December 2, 1942, Providing Compensation for Injury, Disability, Death, or Enemy Detention of Employees of Contractors With the United States, and for Other Purposes

PART 61—GENERAL ADMINISTRATIVE PROVISIONS

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| Sec. | General provisions; definitions. |
| 61.1 | Deductions from benefits; exclusions. |
| 61.2 | Limitations upon benefits. |
| 61.3 | Employee's notice of injury and claim. |
| 61.4 | Claim for death benefits. |
| 61.5 | Claim for detention benefits. |
| 61.6 | Cooperative arrangements; reports of injury, death, and detention. |
| 61.7 | Filing of reports of injury and death. |
| 61.8 | Claim filing, processing, and adjudications; transfers. |
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| 61.10 | Reports by employees and dependents. |
| 61.11 | Furnishing of medical treatment. |
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| 61.13 | Transportation of recovered bodies of missing persons. |
| 61.14 | Burial expenses. |
| 61.15 | Persons authorized to provide preparation of body, transportation and burial expenses. |
| 61.16 | Transportation of persons released from detention and return of employees. |
| 61.17 | Confidential nature of records and papers relating to injury, death or detention of employees. |
| 61.18 | Inspection of records by interested party. |
| 61.19 | Approval of claim for legal and other services. |
| 61.20 | |

Sec.

61.21 Assignments; creditors.

61.22 Contracts for service facilities of insurance carriers.

AUTHORITY: §§ 61.1 to 61.22, inclusive, issued under sec. 32, 39 Stat. 749; 5 U.S.C. 783, and sec. 106, 56 Stat. 1033; 42 U.S.C. 1706.

§ 61.1 General provisions; definitions. (a) The United States Employees' Compensation Commission is charged with the administration of Public Law No. 784, 77th Congress, entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942. This Act, in Title I, provides compensation for injury or death proximately resulting from a war-risk hazard, with respect to the following categories of employees:

(1) Any person employed by a contractor with the United States, if such person is an employee specified in the Act of August 16, 1941 (Public Law 208, 77th Congress), as amended, and no compensation is payable with respect to injury or death under such Act.

(2) Any person engaged by the United States under a contract for his personal services outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

(3) Any person employed as a civilian employee of a post-exchange or ship-service store outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

Compensation and other benefits under such Act are provided with respect to injury or death proximately resulting from a war-risk hazard, as defined by the Act (see paragraph (c) of this section), whether or not the person was at time of injury engaged in the course of his employment. The purpose intended by such Act is to provide continuous 24 hour compensation protection with respect to injuries caused by war hazards, except as to certain employees referred to in § 61.2 (a) of these regulations. Such protection is accomplished by making applicable to such persons the provisions of the Act providing compensation for civil employees of the United States, approved September 7, 1916, as amended, except that in determining compensation for disability, the scale of compensation benefits and computation of benefits and the wage base thereof shall be made in accordance with the provisions of sections 6, 8 and 10 of the Longshoremen's and Harbor Workers' Compensation Act, and except that in determining compensation for death, the classes of beneficiaries and the computation of compensation, including the wage basis and payment thereof shall be made in accordance with sections 9 and 10 of such Longshoremen's Act. Where terms relating to beneficiaries used in such section 9 of the Longshoremen's and Harbor Workers' Compensation Act are defined in section 2 of such Longshoremen's Act, such definitions shall apply. Compensation for disability is limited to a maximum amount of \$7,500 in case of injury, and \$7,500 in case of death, such sum being exclusive of medical

costs and funeral and burial expenses. Medical treatment and care will be furnished under applicable sections of such Act of September 7, 1916, as amended, and not under section 7 of such Longshoremen's Act.

(b) Under the provisions of such Public Law No. 784, 77th Congress, approved December 2, 1942, if any person within any category specified in paragraph (a) of this section of these regulations:

(1) Is found to be missing from his place of employment, whether or not such person then actually was engaged in the course of his employment, under circumstances supporting an inference that his absence is due to the belligerent action of an enemy; or

(2) Is known to have been taken by an enemy as prisoner, hostage, or otherwise; or

(3) Is not returned to his home or to the place where he was employed, by reason of the failure of the United States or its contractor to furnish transportation;

until such time as he is returned to his home, to the place of his employment, or is able to be returned to the jurisdiction of the United States, such person shall be regarded, for the purpose of paying benefits for detention, as totally disabled. The same benefits as are provided for total disability under the provisions of paragraph (a) of this section shall be credited to his account and be payable to him for the period of such absence or until his death is in fact established or can be legally presumed to have occurred. A part of such compensation for total disability, accruing to such person, may be disbursed during the period of such absence to the dependents of such person, if such dependents reside in the United States or its territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and in the Philippine Islands). In determining the monthly benefits which may be paid from the accrued compensation for total disability, credited to the account of such person, the provisions of section 9 of the Longshoremen's and Harbor Workers' Compensation Act shall apply, including the designation of classes of beneficiaries and percentages of the missing person's average wages, as therein provided. The monthly benefits payable to a dependent, from funds accrued to the account of the missing person, shall be in the same amount as would otherwise be payable for the death of such person, as provided by such Longshoremen's Act.

(c) As used in this subchapter:

(1) The term "Commission" means the United States Employees' Compensation Commission.

(2) The term "contractor with the United States" includes any subcontractor or subordinate subcontractor with respect to the contract of such contractor.

(3) The term "war-risk hazard" means any hazard arising after December 6, 1941, and prior to the end of the present war, from—

(a) The discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy; or

(b) Action of the enemy, including rebellion or insurrection against the United States or any of its Allies; or

(c) The discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to any employee of a manufacturer or processor of munitions during the manufacture, or processing thereof, or while stored on the premises of the manufacturer or processor); or

(d) The collision of vessels in convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(e) The operation of vessels or aircraft in a zone of hostilities or engaged in war activities.

(4) The term "injury" means injury resulting from a war-risk hazard, as herein defined, whether or not such injury occurred in the course of the person's employment, and includes any disease proximately resulting from such cause.

(5) The term "death" means death proximately caused by injury, as herein defined.

(6) The terms "compensation", "physician" and "medical, surgical, and hospital services and supplies" shall be construed and applied as defined in such Act of September 7, 1916, as amended.

(7) The terms "disability", "wages", "child", "grandchild", "brother", "sister", "parent", "widow", "widower", "adoption" or "adopted", shall be construed and applied as defined in such Longshoremen's and Harbor Workers' Compensation Act, as amended.

(d) The regulations in Part 1 of this chapter shall not apply under this subchapter, unless made applicable specifically, by reference in this part.

§ 51.2 Deductions from benefits; exclusions. (a) The provisions of Title I of such Public Law No. 784, 77th Congress, approved December 2, 1941 (relating to compensation benefits and for injury, death or enemy detention) shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place of his employment, and (2) who is not living there solely by virtue of the exigencies of his employment, unless his injury or death resulting from injury occurs, or his detention begins, while in the course of his employment.

(b) No payment of benefits to any person within any category specified in § 51.1 (a) of these regulations, or to the dependent of such person, on account of absence as therein specified, shall be made during any period such person or dependent, respectively, has received, or may be entitled to receive, any other payment from the United States, either directly or indirectly, because of such absence, unless such person or dependent refunds or renounces such other benefit or payment for the

period claimed. Every person or dependent filing a claim for benefits on account of such absence or detention under Title I of such Public Law shall state whether or not he has claimed, recovered, or is receiving any payments whatsoever on account of such absence or detention, setting forth the source or sources of such payments, the weekly rate of payment, the period or periods during which such payments have been received, and the place where any claim therefor was filed.

(c) No benefits shall be paid or furnished under the provisions of Title I of such Public Law, that is, no compensation benefits for injury or death, or payment of accrued compensation for total disability to such persons or their dependents on account of such absence or detention, to any person who recovers or receives workmen's compensation benefits for the same injury or death under any law (other than such Title I) of the United States, or under the law of any State, Territory, possession, foreign country, or other jurisdiction, or benefits in the nature of workmen's compensation benefits payable under an agreement approved or authorized by the United States pursuant to which a contractor with the United States has undertaken to provide such benefits. Every person or dependent claiming benefits for injury, death, or detention under Title I of such Public Law shall state whether or not he has claimed, recovered, or is receiving any payments whatsoever under any workmen's compensation law, or under any agreement providing benefits in the nature of workmen's compensation benefits, on account of the same injury or death for which benefits are sought in his claim under Title I of such Public Law, setting forth in such claim the place where such other claim was filed, and the amounts of payments received, together with such information as may be necessary to identify (1) the agreement under which payments are made, or (2) the jurisdiction under the law of which such payments are made.

(d) Where any person specified in section 101 (a), Title I of such Public Law (and in § 51.1 (a) of these regulations), or the dependent, beneficiary, or allottee of such person, receives or claims wages, payments in lieu of wages, insurance benefits for disability or loss of life (other than workmen's compensation benefits), and the cost of such wages, payments, or benefits is provided in whole or in part by the United States, the amount of such wages, payments, or benefits shall be credited, in such manner as the Commission shall determine, against any payments to which any such person may be found entitled under such Title I of such Public Law. Every person or dependent claiming benefits for injury, death, or detention under such Title I shall state whether or not he has claimed, recovered, received or is receiving any such wages, payments, or benefits, setting forth the source of such payments, the weekly amount of payment, the total sum received, and the period covered by all payments received.

Credits shall be applied under this subparagraph only where the wages, payments, or benefits received are items with respect to which the contractor with the United States is entitled to reimbursement by the United States, or where they are otherwise reimbursable by the United States.

(e) Where a national of a foreign government is entitled to benefits on account of injury or death resulting from a war-risk hazard, under the laws of his native country or any other foreign country, the benefits provided under such Title I of such Public Law shall not apply. Every person or dependent claiming benefits for injury, death, or detention, under such Title I shall state in his claim thereunder the name of the country of which he is a national, and whether or not he has claimed, received, or is receiving, or is entitled to, any benefits on account of the same injury or death under the laws of the country of which he is a national, or of any other foreign country, and where such claim has been filed, or may be filed.

(f) Persons convicted in a court of competent jurisdiction of any subversive act against the United States or any of its Allies, committed after the declaration of the President on May 27, 1941, of the national emergency, shall not, nor shall their beneficiaries, be entitled to any benefits under Title I of such Public Law. As provided in such Public Law, any person charged with the commission of such subversive act shall have his compensation or other benefits suspended until such charge is disposed of, forfeiting such compensation or benefits if convicted or dying prior to such disposition, with removal of forfeiture upon withdrawal or acquittal of such charge. Every person filing claim under Title I of such Public Law shall state whether or not he has been charged with such offense and the disposition of any such charge.

§ 61.3 Limitations upon benefits. (a) Compensation for permanent total or permanent partial disability or for death payable under Title I of such Public Law to persons who are not citizens of the United States and who are not residents of the United States or Canada, shall be in the same amount as provided for residents; except that dependents in any foreign country shall be limited to surviving wife or husband and child or children, or if there be no surviving wife or husband or child or children, to surviving father or mother whom such person has supported, either wholly or in part, for the period of one year immediately prior to the date of the injury; and except that the Commission, at its option, may commute all future installments of compensation to be paid to such persons by paying to them one-half of the commuted amount of such future installments of compensation as determined by the Commission. Persons coming within the foregoing provisions, claiming disability benefits, who have left an unrelinquished residence in the United States or Canada to engage in employment within the purview of section 101 (a) of Title I of such Public Law, and who

signify an intention to return to such residence, will be regarded as residents of the place at which they had their last permanent residence. The foregoing provisions do not apply to dependents claiming benefits for detention under section 101 (b) of such Public Law; the rights of such dependents are determinable under such section.

(b) In determining benefits for disability or death (including payments to dependents on account of enemy detention), as provided in section 101 of such Public Law, the minimum limit upon weekly compensation for disability and the minimum limit on the average weekly wages on which death benefits are to be computed, as fixed in section 6 (b) and section 9 (e) of such Longshoremen's and Harbor Workers' Compensation Act, shall not apply.

(c) If at the time a person sustains an injury coming within the purview of Title I of such Public Law, such person is receiving workmen's compensation benefits on account of a prior accident or disease, said person shall not be entitled to any benefits under such Title during the period covered by such workmen's compensation benefits unless the injury from a war-risk hazard increases his disability, and then only to the extent such disability has been so increased. Every person claiming benefits under such Title I shall state whether or not he is receiving or is entitled to receive workmen's compensation benefits from any source for the same condition or cause of disability as to which such claim relates, setting forth a sufficient reference to such other workmen's compensation law, the nature of the disability for which compensation is paid or payable, the amount of weekly compensation for such disability, and the name of the employer or insurance carrier obligated to him under such other law. This provision is applicable only to disability resulting jointly from two unrelated causes, namely, (1) prior industrial accident or disease, and (2) injury from a war-risk hazard.

§ 61.4 Employee's notice of injury and claim. (a) To facilitate compliance with the provisions of sections 15 to 20, inclusive, of such Act of September 7, 1916, as amended and modified, notice of injury and claim for compensation for disability payable under Title I of such Public Law may be given simultaneously, whether or not actual or compensable disability exists at time of filing. The Commission has provided a combined notice of injury and claim form (sworn to by claimant) to be used for such purpose, but no injured person's rights shall be prejudiced because of failure to use such form, provided such person files written notice of injury and claim in other sufficient manner, containing all material facts showing his right under such Title I.

(b) Whenever the Commission shall find that, because of circumstances beyond the control of an injured person, compliance with the limitation provisions of sections 15 to 20, inclusive, of such Act of September 7, 1916, as amended, could not have been accom-

plished within the time therein specified, the Commission, in its discretion, may waive such limitation provisions.

§ 61.5 Claim for death benefits. (a) For the purpose of compliance with the provisions of sections 18 to 20, inclusive, of such Act of September 7, 1916, as amended and modified, claim for compensation for death payable under Title I of such Public Law shall be filed. The Commission has provided appropriate forms for such purpose (to be sworn to), applicable to the various classes of beneficiaries as specified in such Longshoremen's and Harbor Workers' Compensation Act, made applicable by such Title I, but the rights of a beneficiary shall not be prejudiced because of failure to use such form, provided such beneficiary files claim for such compensation in other sufficient manner, containing all material facts showing a right to benefits under such Title I.

(b) Whenever the Commission shall find that, because of circumstances beyond the control of such beneficiary, compliance with the limitation provisions of sections 18 to 20, inclusive, of such Act of September 7, 1916, as amended, could not have been accomplished within the time therein specified, the Commission, in its discretion, may waive such limitation provisions.

§ 61.6 Claim for detention benefits. (a) Pursuant to section 101 (b) (1) of Title I of such Public Law, a claim for detention benefits, as provided under such section, is required to be filed by dependents and others entitled thereto. The Commission has provided appropriate forms for such purpose (to be sworn to), applicable to missing persons, and to the several classes of dependents as specified in such Longshoremen's and Harbor Workers' Compensation Act, made applicable by such Title I, but the rights of a beneficiary shall not be prejudiced because of failure to use such form, provided such dependent files claim for such detention benefits in other sufficient manner. The dependent in such case, if an award is made, will be paid detention benefits from the amount accruing as compensation for total disability which has been credited to the account of the missing person related to such dependent.

(b) In order to establish the amount of compensation for total disability, to be credited to the account of a person missing as specified in section 101 (b), Title I, of such Public Law, as the amount available for payments to dependents (the balance thereof to be payable to such person upon his return from such absence), the Commission shall make such inquiry and investigation with respect to the status of such missing person as the circumstances of his case shall require, and thereafter shall determine his status. A determination that an individual has been detained by the enemy may be made on the basis that he has disappeared under circumstances such as to make such detention appear probable. In making such determination the Commission will consider the information and the conclusion of the Department or agency of the United

States having knowledge of the circumstances surrounding the absence of such missing person, as prima facie evidence of the status of such person. Dependents making claim for such detention benefits may be required to submit all evidence available to them relative to the employment status of the missing person and to the circumstances of such absence. The filing of the prescribed notice of injury, claim for compensation for total disability, and forms relating to disability compensation, shall not be required in the cases of missing persons, either on their behalf or by dependents seeking such detention benefits. Administrative determination shall establish the presumptive status of total disability of such missing persons, which shall continue during the period of such absence, or until death is in fact established or can be legally presumed to have occurred. A dependent having knowledge of a change of status of such missing person shall promptly inform the Commission in writing of such change. The Commission should be advised in writing, immediately, by such dependent (or on return, by the person who has been absent) if such person is returned to his home, to the place of his employment, or is able to be returned to the jurisdiction of the United States.

(c) In determining the amount of compensation for total disability which shall accrue to the account of missing persons, for the purpose of paying a part thereof to dependents, the provisions in Title I of such Public Law requiring denial of benefits, deductions, or adjustments (because of receipt of or entitlement to other payments from the United States, directly or indirectly) shall, whenever practicable and equitable, be applied, respectively, (1) to dependents' claims, or (2) to claims by persons returned from such absence who seek payment of the balance of any compensation not disbursed to dependents; that is, whenever practicable and equitable, denial of benefits, deductions and adjustments which are directly applicable to dependents shall be taken into account in adjusting their claims for detention benefits (without regard to such other denials, deductions and adjustments as may directly affect the missing person's right to such compensation), and upon filing of a claim by a person, returned from such absence, for the balance of compensation accrued to his account, only such denials, deductions and adjustments directly affecting his right to compensation will be taken into account.

(d) A claim shall be filed by a person, returned from absence as specified in section 101 (b) of Title I of such Public Law, for the detention benefits accrued to his account. The Commission has provided an appropriate form for such purpose, which may be had upon application to the Commission.

(e) Whenever the Commission shall find that, because of circumstances beyond the control of a dependent or other person entitled to detention benefits under this section, compliance with the time limitation provisions of such Act of September 7, 1916, as amended, could not

have been accomplished within such time as is therein specified for the filing of claims, the Commission, in its discretion, may waive such limitation provisions. (Sec. 101 (b) (1), 56 Stat. 1028; 42 U.S.C. 1701)

§ 61.7 *Cooperative arrangements; reports of injury, death, and detention.* (a) In order that the Commission may have fullest available information with respect to cases involving injury, death, and detention, for which benefits may be paid or provided under Title I of such Public Law, and otherwise to facilitate administration, the Commission is authorized to enter into agreements or cooperative working arrangements with other agencies of the United States or of any State (including the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands) or political subdivisions thereof, and with other public agencies and private persons, agencies, or institutions, within and without the United States. To the extent that Departments and agencies of the United States, government contractors, insurance carriers, and others, and the representatives of such, voluntarily cooperate with the Commission and its representatives by supplying necessary information for the adjustment of claims and otherwise furnish assistance, the formalizing of cooperative working arrangements by written agreements may be avoided. The Commission will therefore when necessary seek such cooperative working arrangements on such basis as will assure prompt field reports of cases and necessary supplementary information. Formal working agreements will be limited to situations in which cooperative effort is not feasible.

(b) Reports of injury or death should be filed, as provided by § 61.8 of these regulations, by the employer of the injured or deceased person, or the insurance carrier for such employer. The report of injury may be submitted on Form US-202, the employer's report of injury. This form should be accompanied by Form US-204, attending physician's report, together with the employee's notice of injury and claim for compensation (upon a form which is provided for under these regulations). In case of death, Form US-261, supplemental report of employer in death case, should accompany the other forms. The numbered forms referred to are those formulated by the Commission for use under the Longshoremen's and Harbor Workers' Compensation Act. In order to avoid confusion with administration of such Longshoremen's Act there should be written or stamped at the top of such forms, in large letters, the words "War-Injury Claim". The employer's report should also contain the symbol or code number of the Government contract involved and reference to the Department or agency making such contract.

(c) Where facilities are established at field locations for the assembling and transmission of reports of injury or death in normal industrial accident cases, reports under these regulations should be sent by employers or insurance carriers to the Commission or its repre-

sentative as provided by § 61.8 of these regulations. These reports may be transmitted through any field representative of a Department or agency of the United States handling reports of injury cases in the particular area. Employers, insurance carriers, and such Government representatives concerned should investigate immediately the circumstances of any reported injury or death where the facts relating to the occurrence of alleged injury or death, or to alleged war-hazard as the cause, are questionable or not fully known to the employer or to such field representative. Particular attention in all cases should be given to obtaining and transmitting written statements of available witnesses (with their names and addresses) in every case in which there is likelihood of a claim for compensation for disability or death.

(d) Where an employee specified in section 101 (a), Title I, of such Public Law, is found to be missing, or has been taken by an enemy, or otherwise is absent, as specified in section 101 (b) of such Title, the employer should immediately report such absence, with fullest details, to the nearest representative of the United States authorized to receive such report, together with any supplementary official reports relative thereto, be transmitted promptly to the Department or agency of the United States requiring such reports or having charge over projects or work places. These regulations contemplate that all reports relative to persons absent as specified in section 101 (b) of such Title will be received by the Commission from the Department or agency of the United States concerned, rather than directly from the employers or field representatives of such Departments or agencies. Such Department and agencies, in transmitting information and reports with respect to such missing persons, if authorized so to do, should state a definite conclusion upon the status of the persons, as the conclusion of the principal Government agency concerned will be accepted by the Commission as prima facie evidence of the status of such persons for the purpose of providing benefits for detention. In any case of doubt concerning the filing of such reports, the Commission may be sufficiently advised by the employer or field representative of the Government, and the Commission in such cases will secure such information from the proper Government agency as is necessary to determine the status of such persons. All completed case records relating to such missing persons will be filed, and the files maintained, at the principal office of the Commission, which is located at 285 Madison Avenue, New York, N. Y. To the extent that it is practicable, the processing and adjudication of claims for detention benefits will be made by the Commission at such principal office. The filing, processing and adjudication of war-risk injury and death claims is provided for by § 61.9 of these regulations.

§ 61.8 *Filing of reports of injury and death.* (a) Reports of injury and death

with respect to war-risk hazards, provided for by § 61.7 of these regulations, may be filed:

(1) With the deputy commissioner of the Commission administering the Act of August 16, 1941, as amended (referred to in section 101 (a), Title I of such Public Law), or any sub-office of such deputy commissioner, if the injury or death occurred within the compensation district or jurisdictional area of such deputy commissioner.

(2) With such officer or agent of the United States, or other person designated by the Commission, by administrative order, pursuant to the provisions of section 42 of such Act of September 7, 1916 (as amended by the Act of July 29, 1942), or pursuant to the provisions of section 106 (b), Title I, of such Public Law, if serving under such designation in the locality in which the employee was employed or the injury occurred.

(3) With the principal office of the Commission at 285 Madison Avenue, New York, N. Y., whenever doubt exists as to proper place at which to file such reports.

(b) The Commission will, whenever practicable, with respect to projects and work places within the purview of Title I of such Public Law, advise the Department or agency of the United States, or the contractor, employer or other person concerned, with respect to the nearest available facility (existing or to be established), as provided for in paragraph (a) of this section, for the filing of such reports.

§ 61.9 *Claim filing, processing, and adjudications.* (a) Claims for compensation, for injury or death arising as the result of such war-risk hazards, may be filed as follows:

(1) With the deputy commissioner, or officer or agent of the United States or other designated person, to whom report of the injury or death has been sent, as provided for by § 61.8 of these regulations.

(2) With any deputy commissioner of the Commission under the Longshoremen's and Harbor Workers' Compensation Act, or that Act as extended by other Acts.

(3) With the principal office of the Commission located at 285 Madison Avenue, New York, N. Y. Claims filed at places to which reports of injury have not been sent should be transmitted immediately to the proper deputy commissioner, or designated person, as may appear from the claim, or such claims may be sent to the Commission for further transmission, if doubt exists as to proper filing place.

(b) Claims for detention benefits provided under section 101 (b), Title I, of such Public Law shall be filed with the Commission at such principal office. Such claims may be filed with any deputy commissioner, or designated person, authorized in paragraph (a) of this section to receive claims for injury or death due to war-risk hazards, and any claims so received shall be deemed and considered as having been filed with the Commission for the purpose of tolling any time limitation provision applicable to such claims, but any such claims so filed

shall be transmitted immediately to the Commission at its principal office for adjudication.

(c) Claims for compensation for such injury or death, and compensation cases, shall be processed as follows:

(1) By deputy commissioners, authorized by § 61.8 (a) to receive reports of injury or death.

(2) By such officers or agents of the United States, or other designated persons, authorized by § 61.8 (a) to receive reports of injury or death, to the extent authorized by administrative order or by administrative instructions issued by the Commission.

(3) By the Commission at its principal office.

The term "processed" as used in this paragraph means:

1. Receiving, assembling, and filing reports of injury and death, medical reports, reports of investigation and other papers relating to cases of injury or death (under such instructions as to numbering of cases, method of filing, disposition, etc. as the Commission may from time to time prescribe by administrative instructions issued to its authorized representatives);

2. Making of investigations and securing necessary supplementary information in connection with cases or claims for completion of records, such as may be deemed necessary by such representative, or as may be necessary to comply with administrative instructions;

3. Obtaining medical examinations in disability cases where deemed necessary or required by administrative instructions;

4. Arranging for medical, surgical, and hospital services and supplies in the treatment and care of employees in disability cases;

5. Examination and adjustment of claims for compensation in injury and death cases under Title I of such Public Law, and, under administrative instructions, awarding of compensation;

6. Preparation of vouchers for disbursement of compensation for injury or death, under administrative instructions;

7. Review of cases for readjustment of compensation in injury and death cases, and making supplemental awards or adjustments, under administrative instructions.

The authority of deputy commissioners, and other designated persons, referred to under subparagraphs (1) and (2) of this paragraph shall include, without further authorization, authority to act and proceed as stated in clauses 1, 2 and 3, under the above definition of the term "processed".

The authority of deputy commissioners, referred to under subparagraph (1) of this paragraph shall include authority to act and proceed as stated in clauses 1 to 7, inclusive, under such definition of the term "processed", subject to such administrative instructions as the Commission may from time to time issue to them.

The authority of officers or agents of the United States, or other designated persons, referred to under subparagraph (2) of this paragraph, with respect to

action under clauses 4 to 7, inclusive, will be exercised only as extended by the Commission in administrative orders issued, respectively, to them.

(d) Authority to process claims as set forth in paragraph (c) may be modified from time to time to expedite administration and payment of claims. The Commission maintains full and complete authority over the processing of claims, and may from time to time complete such processing at its principal office, or direct other and different handling of claims, as in its opinion circumstances may warrant. When any case involving disability or death has been adjudicated and payments are likely to continue at a rate not subject to change, such case may be transferred to the Commission in accordance with administrative instructions relative to the disposition of such cases.

(e) Cases processed otherwise than by the Commission at its principal office shall be subject to review and modification, if necessary, by the Commission, either on its own motion or on application by a party in interest, under such administrative instructions as the Commission may from time to time issue. Any person aggrieved by the action of a field representative of the Commission may in writing apply directly to the Commission at such principal office for such review, stating fully the basis upon which such review is sought.

(f) In all cases where responses to questions upon claim forms, or investigations or inquiries, disclose that the right to compensation may be barred by a provision in Title I or Title II of such Public Law, or a credit, deduction, or adjustment of benefits may be necessary because the claimant has received or is entitled to receive payments from some other source, which are required to be taken into account, payment of compensation shall not be made until the facts in respect thereto have been submitted to the Commission and advice obtained with respect to the adjudication of such claim.

(g) Reports of injury or death, claims for compensation, and other papers, erroneously filed and not processed may be transferred, without further authority, to the proper representative of the Commission. Cases which have been processed, as defined, may be transferred from one compensation district to another, or to any designated person referred to in paragraph (c) (2), of this section, after approval of such transfer by the Commission. Requests for transfer may be made by letter to the Commission stating the necessity for such transfer. (Sec. 18, 39 Stat. 746; 5 U.S.C. 768)

§ 61.10 *Delegation of powers and duties.* (a) Pursuant to the authority contained in section 106 (b), Title I, of such Public Law, the Commission delegates:

(1) To deputy commissioners of the Commission, and to persons acting for such deputy commissioners, as referred to in § 61.8 (a) (1) of these regulations; and

(2) To officers or agents of the United States, or other persons, designated by the Commission, as referred to in § 61.8

(a) (2), but only to the extent of their authority to act and process claims as set forth in these regulations and in administrative orders;

such of its powers and duties as are necessary in the processing of claims for injury or death under such Public Law, within the meaning of the term "processed" as defined in § 61.9 of these regulations. Such delegation includes authority to do all things authorized by such Public Law and the applicable provisions of other laws integrated therewith, to the extent of the authority herein contained. In exercising such powers or performing such duties, the persons or agencies so authorized shall act for and on behalf of the Commission.

(b) When the exercise of a power or performance of a duty is not clearly within the authority of this section, in advance of the exercise, or performance thereof, advice shall be obtained from the Commission with respect thereto.

§ 61.11 *Reports by employees and dependents.* (a) By administrative instructions, the Commission will designate such reports, and the form thereof, as shall be required of persons entitled to benefits for disability under Title I of such Public Law, such as reports of recurrence or termination of disability, of employment and earnings, and of any other facts materially affecting such person's right to compensation. For the purpose of implementing this regulation the provisions of §§ 1.6, 1.9, 1.10, and 1.11 of the Commission's regulations (20 CFR 1.6, 1.9, 1.10, and 1.11), so far as not inapplicable, shall be applied.

(b) By administrative instructions, the Commission will designate such reports, and the form thereof, as shall be required of a dependent entitled to detention benefits, or compensation for death, under Title I of such Public Law, such as report of death, claims for continuance of compensation on account of death, report of change of status of beneficiary, and other reports of facts materially affecting the right of such dependent to benefits. For the purpose of implementing this regulation the provisions of §§ 1.12, 1.14, 1.15, and 1.16 of the Commission's regulations (20 CFR 1.12, 1.14, 1.15, and 1.16), so far as not inapplicable, shall be applied.

§ 61.12 *Furnishing of medical treatment.* (a) All medical services, appliances, drugs, and supplies which in the opinion of the Commission are necessary for the treatment of an injury coming within the purview of section 101 (a), Title I of such Public Law shall be furnished to the same extent, and wherever practicable in the same manner and under the same conditions as are prescribed in section 9 of such Act of September 7, 1916, as amended. All provisions of such Act with respect to treatment, medical examinations, and payment of cost of transportation and expenses incident to such treatment or examinations, shall apply in cases of such injury.

(b) The regulations in Part 2, subchapter A of this Chapter, which gov-

ern the furnishing of medical treatment under such Act of September 7, 1916, as amended, shall, in so far as not inapplicable, and to the extent not herein modified, apply with respect to the administration of paragraph (a) of this section.

(c) Where persons specified in § 61.1 of these regulations are entitled to or may receive medical, surgical, hospital and other treatment, services, and care either by use of local facilities made available by a Department or agency of the United States, or use of local or other facilities made available by contractors or other employers, such facilities may be used in lieu of the furnishing of such treatment, services and care under the provisions of this section, to the extent that provision has been made therefor. Upon termination of such treatment, services or care, a complete record of the injury and treatment furnished (prepared in the manner prescribed in § 2.10, Part 2, subchapter A of this Chapter) should be filed in the same manner as is provided in §§ 61.7 and 61.8 of these regulations, so that such report may be included in the file containing the report of injury.

(d) Where medical, surgical or hospital treatment or care is necessary in any case coming within the purview of Title I of such Public Law, and it is not practicable to provide for such treatment or care in a manner consistent with the regulations in Part 2, subchapter A of this Chapter, or where such treatment or care is not otherwise available through use of such facilities as are referred to in paragraph (c), and in cases of an emergency nature or cases involving unusual circumstances, initial treatment or care may be furnished by the use of such facilities as may be available under the circumstances, and immediate report thereof should be made to the proper deputy commissioner or designated person authorized to receive reports of injury under § 61.8 of these regulations. Upon receiving such report such deputy commissioner or designated person shall make such further arrangements as may be necessary and as are practicable to have such treatment or care continued in conformity with paragraph (b) of this section.

(e) The following, other than the Commission, without further authorization, have general authority to provide for the furnishing of medical, surgical, hospital and other treatment and care, including transportation and expenses thereof and physical examinations, as provided by such Act of September 7, 1916, as amended, and under these regulations, provided the case is one within the jurisdiction of, or which has been transferred to, such person for processing:

(1) A deputy commissioner of the Commission administering the Act of August 16, 1941, as amended, or the person acting for the deputy commissioner.

(2) An officer or agent of the United States, or other person, designated by the Commission, by administrative order, referred to in § 61.8 (a) (2) of these regulations, if serving under such designation in the locality in which the em-

ployee was employed or injury occurred, and if otherwise authorized to arrange for such treatment.

(f) The following, without further authorization, have limited authority to authorize limited medical treatment and care, as provided for by paragraph (d) of this section, pending authorization of further treatment and care by the Commission or by a person referred to in paragraph (e) hereof:

(1) Any person referred to in § 61.8 of these regulations.

(2) The employing contractor, subcontractor, or subordinate contractor, or his superintendent in charge or compensation representative, including the representative of the insurance carrier for any such employer.

(3) Any Government field representative, referred to in § 61.7 (c) of these regulations.

Immediate report of medical treatment or care authorized hereunder should be submitted as provided in § 61.7 (c), and the physician or hospital furnishing the same should be advised that further treatment or care is subject to authorization, direction and control by an authorized representative of the Commission as provided by these regulations.

(g) Orthopedic or prosthetic appliances, such as artificial eyes, limbs, or removable denture will be provided only after approval by the Commission. Section 2.9 of the Commission's regulations (Part 2, subchapter I) shall apply with respect to such appliances.

§ 61.13 *Medical forms.* (a) Persons having general authority under these regulations to request medical, surgical, hospital, and other treatment or care, will use the forms provided for by Part 2, subchapter A, of this Chapter, relating to furnishing of medical treatment under such Act of September 7, 1916. These forms will be furnished, or supplied upon request, with administrative instructions relating to their use. There should be written or stamped at the top of such forms, in large letters, the words "War-Injury Claim."

(b) Persons having limited authority under these regulations to request such forms, if available; otherwise, such request may be made by letter, addressed to the person or hospital furnishing the services, of which a copy will be retained and transmitted to the representative of the Commission to whom report of injury is sent. Such letter should advise the physician as provided in § 61.12 (f).

§ 61.14 *Transportation of recovered bodies of missing persons.* (a) In the case of death of a person coming within the purview of section 101 (b), Title I, of such Public Law, and § 61.1 of these regulations, while such person is missing or absent as therein specified, and his body is thereafter recovered, the body of such person shall, in the discretion of the Commission, and if so desired by his next of kin, his near relative, or legal representative, be embalmed and transported in a hermetically sealed casket or other appropriate container to the home of the deceased, or to such other place as may be designated by such next of kin, near

relative, or legal representative. In the case of any such person missed from the place of his employment, due to belligerent action of an enemy, or taken by an enemy (as specified in section 101 (b) (1) (A) and (B) of such Public Law), such preparation and transportation may be authorized: *Provided*, That at the time of death (not resulting from a war-risk hazard) such person had not been repatriated. The term "repatriated" as used in this section, with respect to such person shall be deemed to mean returned to the United States or country of his residence or domicile. A person shall be deemed to have been repatriated within the meaning of this subsection upon his having returned to continental United States (or Alaska or Canada) if his last residence or domicile was there, upon his return to the Territory or possession of the United States wherein he last maintained residence or domicile, or upon return to the country (or possession of such country) wherein he last maintained residence or domicile. In case of the death of such person after such repatriation, where death is due to war-risk hazard and occurred away from his home, such preparation and transportation shall be provided and the body shall be delivered to the home of such person or to such other place as may be designated by such next of kin, near relative or legal representative. No expenses may be incurred under this section after transportation and delivery of the body has been accomplished. Funeral or other expenses in connection with burial are not provided for hereunder and are not payable with respect to the disposition of the body of such person, unless the death resulted from war-risk hazard, in which event the provisions of § 61.15 relating to such expenses are also applicable.

(b) In the case of any such person who is not returned to his home or to the place where he was employed, by reason of the failure of the United States or its contractor to furnish transportation (where the furnishing of such transportation was an obligation of the United States or such contractor), and the death of such person occurs away from his home and while thus absent, the provisions of paragraph (a) hereof shall apply, except that such person shall not be deemed to have been repatriated until he has returned to his home or to the place where he was employed. In determining benefits accruing to such person not returned because of such failure of transportation, under the provisions of section 101 (b), Title I, of such Public Law, and § 61.1 (b) of these regulations, such person shall be regarded as totally disabled until the date he has returned to his home or to the place of his employment: *Provided*, That in the event such person fails, refuses, or neglects to return to his home or to the place of his employment after he has been afforded opportunity to do so, compensation accruing under such section 101 (b), on account of such absence, shall cease to accrue as of the date when he might otherwise have departed for home or place of employment, and, should death

thereafter occur, the provisions of paragraph (a) hereof shall not be applied in his case, unless the Commission shall find that refusal to return was justified.

§ 61.15 *Burial expenses.* (a) When the death of a person specified in section 101 (a), Title I, of such Public Law, and § 61.1 (a) of these regulations, results from an injury proximately caused by a war-risk hazard, the Commission may in its discretion pay reasonable burial expenses in an amount not to exceed \$200 as provided by section 9 of such Longshoremen's and Harbor Workers' Compensation Act: *Provided*, That if any part of the burial expense has been paid by any other agency of the United States, or by any person under obligation to discharge burial expenses, payment hereunder shall not exceed the difference between the amount so paid and \$200, if the expense is actually incurred. Payment will be made (1) direct to the undertaker, (2) to the estate of the deceased if the estate is obligated to make payment, or (3) to any person who has paid such burial expenses and is entitled to such reimbursement.

(b) In case of death of such person whose home is within the United States, and death resulted from injury proximately caused by a war-risk hazard and occurred away from his home, or outside the United States, and if so desired by his relatives, the body shall, in the discretion of the Commission, pursuant to section 11 of such Act of September 7, 1916, be embalmed and transported in a hermetically sealed casket to the home of the employee, and the reasonable and necessary expenses of such embalming and transportation shall be in addition to the amount, if any, allowed for burial expenses under paragraph (a) hereof. The term "United States" as used in this subsection shall mean continental United States, or any Territory or possession of the United States.

§ 61.16 *Persons authorized to provide preparation of body, transportation and burial expenses.* (a) Incurring and paying of expenses for embalming and transportation of bodies, and funeral and burial expenses, as provided under §§ 61.14 and 61.15 of these regulations, is authorized with respect to the following:

(1) Deputy commissioners, and persons acting for such deputy commissioners, authorized by § 61.8 (a) (1) to receive reports of injury or death, if the case is within the jurisdiction, for processing, of such deputy commissioner.

(2) Officers or agents of the United States, or other person designated by the Commission, authorized by § 61.8 (a) (2) to receive reports of injury or death, if authorized by administrative order, and jurisdiction with respect to the case otherwise exists under administrative order.

(3) The Commission at its principal office.

(b) Persons authorized under paragraph (a) to provide for preparation and transportation of bodies, and payment of burial expenses, will exercise such authority only in cases of death from war-risk hazard which arise within the area in which they represent the Commis-

sion. If deaths from such cause occur within their respective jurisdictions in cases which are subject to processing by a representative of the Commission in another area, the Commission's authorized representative in that area should be informed immediately in order that he may give advice with respect to the disposition of the remains; if this is impracticable, the Commission at its principal office may be informed directly in order that it may furnish proper advice. Full information should be given by the representative seeking such advice, showing the basis for the application of such benefits in the particular case. In cases of detained persons, where such cases are within the purview of section 101 (b) (1) and (3), Title I, of such Public Law, and § 61.14 of these regulations, authority to incur expense for preparation and transportation of bodies is subject to prior approval by the Commission, which should be requested immediately, and all payments for such services will be made by the Commission.

(c) Where circumstances in particular cases prevent compliance with the regulations in this section and prevent timely receipt of authority to prepare or transport remains, and in cases of an emergency nature, the following, without further authorization, shall have authority to incur reasonable and minimum necessary expenses of embalming (or other necessary preparation of remains), of providing appropriate container, and of transportation of the body, of any person whose death occurs under circumstances giving rise to the application of the provisions of such Public Law and these regulations relating to preparation and transportation of bodies:

(1) Any person referred to in § 61.8 of these regulations.

(2) The employing contractor, subcontractor, or subordinate contractor, or his superintendent in charge or compensation representative, including the representative of the insurance carrier for any such employer.

(3) Any Government field representative, referred to in § 61.7 (c) of these regulations.

Immediate report of the services obtained should be made as provided in § 61.7 (c) to the proper representative of the Commission in cases of death due to war-risk hazard, and a copy of such report should be transmitted to the Commission. In cases of deceased detained persons, such report should be made directly to the Commission at its principal office. Vouchers for direct payment of expenses incurred under this subsection or for reimbursement of such expenses paid, will be submitted to the Commission for audit and payment.

§ 61.17 *Transportation of persons released from detention and return of employees.* (a) Upon application of a person specified in section 101 (b), Title I, of such Public Law, and § 61.1 (b) of these regulations, who no longer is in the custody of the enemy, or upon application of someone on behalf of such person, the Commission may furnish transportation or the cost thereof (including

reimbursement) to any such person from the point where his release from custody by the enemy is effected, to his home, the place of his employment, or other place within the jurisdiction of the United States. No transportation, or the cost thereof, shall be furnished where such person is furnished such transportation, or the cost thereof, under any agreement with his employer or under any other provision of law.

(b) Applications for such transportation, or authority to incur expense therefor (to be paid by reimbursement), shall be made directly to the Commission at its principal office, or may be transmitted to the Commission for the applicant by any person referred to in § 61.8 of these regulations, any government contractor, subcontractor, or subordinate contractor, or any officer or employee of the United States, or Government field representative. Such applications shall set forth the full name of the person for whom such transportation is sought, together with his home address and his local address at which communications sent to him may be received (if application is made on behalf of such person, the application should also state the full name, address and relationship of the individual applying); the name and address of the employer of such person; the symbol or code number of the contract under which the employee was employed, if known; the date, place, and circumstances of capture or detention, and the date, place and circumstances of release; the present physical condition of such person and whether he is able to return to work; and a statement whether transportation or the cost thereof has been claimed or received under any agreement with his employer or under any other provision of law. Such application should be sworn to before any person authorized to administer oaths. The applicant is required to state in the application the place to which transportation is sought and to identify such place, such as his home, the place of his employment, etc. Transportation authorized under this section and necessary subsistence en route (if not included in the price of passage), so far as practicable shall conform with and be subject to the Standardized Government Travel Regulations, and shall conform with such administrative instructions as the Commission may from time to time issue with respect thereto.

(c) Transportation, or the cost thereof, may be furnished under this section to such person as follows: (1) to the place of actual employment or work, if missing from such place, and if physical condition permits reemployment and such employment is available; or (2) if return to such work place or place of employment cannot be accomplished: (i) to the home of such person, (ii) to the place where he was employed, or (iii) to any place designated in the application if the costs incident to transportation to such place do not exceed the cost of transportation to the person's home or place where he was employed.

(d) Where an employee is not returned to his home or to the place where

he was employed, by reason of the failure of the United States or its contractor to furnish transportation (where the furnishing of such transportation was an obligation of the United States or such contractor) and where no detention by an enemy is involved, such employee may apply to the Commission for transportation, subject to the provisions of this section. (Sec. 101, 56 Stat. 1028; 42 U.S.C. 1701)

§ 61.18 *Confidential nature of records and papers relating to injury, death or detention of employees.* (a) All records, medical and other reports, statements of witnesses, and other papers relating to the disability, death, or detention of any persons coming within the purview of Title I of such Public Law, are the official records of the Commission and are not records of the agency, establishment, Government department, employer, or any individual making or having the care of such records. Such records and papers pertaining to any such injury, death, or detention are confidential and no official or employee of the United States, or other person, who has investigated or secured statements from witnesses and others pertaining to any case within the purview of Title I of such Public Law, or any person having the care or use of such records and papers, shall disclose information from or pertaining to such records to any person, except upon written approval of the Commission, or except as otherwise provided for by these regulations.

(b) Any person having any such record or paper shall assume no control over same nor shall such person be vested with any discretion relative to the production of same in court, as such discretion shall remain in the Commission to whose business such records appertain. Any such person is prohibited from presenting such records or information in court, whether in answer to a subpoena duces tecum or otherwise. When a subpoena shall have been served upon such person, he shall appear in court and respectfully decline to present such records or papers or to divulge the information called for, basing his refusal upon this regulation and upon the fact that such person is not the custodian of such records or papers.

(c) Information with respect to any matter necessary for the official purpose of any department, agency, or other establishment of the United States may be disclosed upon a showing that the information will be used exclusively for such official purpose.

§ 61.19 *Inspection of records by interested party.* Any party in interest may be permitted to examine the record of the case in which he is such party. The Commission or its duly authorized representative shall be the judge of the reasonableness of any such request, and may, in its or his discretion, permit inspection of such record or part thereof which will not result in damage or harm to any person, or which will not be inimical to the interests of the Commission or the interests or safety of the United States. Original records shall not be removed for such purpose from the office wherein they are kept.

§ 61.20 *Approval of claims for legal and other services.* (a) No claim for legal services or for any other services rendered in respect of a claim or award for compensation under Title I, of such Public Law, to or on account of any person shall be valid unless approved by the Commission or its duly authorized representative; and any claim so approved shall, in the manner and to the extent fixed by the Commission or its duly authorized representative, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under such Title I shall be liable upon conviction for such offense to the penalty provided in section 204, Title II, of such Public Law.

(b) Persons representing the Commission, who are authorized to process claims under clauses 1 to 7, inclusive, of the term "processed" as defined in § 61.9 of these regulations, are without further authorization, authorized to approve reasonable fees for services under this section.

(c) No contract for a stipulated fee or for a fee on a contingent basis will be recognized, and no fee for services shall be approved except upon application for such approval, supported by a sufficient statement of the extent and character of the necessary work done on behalf of the beneficiary. Except where the beneficiary was advised that such representation would be rendered on a gratuitous basis, the fee approved shall be reasonably commensurate with the actual necessary work performed by such representative, with due regard to the capacity in which the representative appeared, the amount of compensation involved, and the circumstances of the beneficiary.

§ 61.21 *Assignments; creditors.* The right of any person to benefits under Part 61 of these regulations and the applicable provisions of Title I of such Public Law, pursuant to section 207 thereof, is not transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid as reimbursement for funeral expenses), or rights existing under such Title, are subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

§ 61.22 *Contracts for service facilities of insurance carriers.* (a) Under the provisions of section 106 (a) of such Public Law the Commission is authorized to contract with insurance carriers for the use of the service facilities of such carriers for the purpose of facilitating administration. The Commission under this authority may enter into contracts for the use of service facilities which may be available and can be utilized in the processing of claims arising directly under section 101 and under section 104, Title I of such Public Law.

(b) Contracts for the use of service facilities will be arranged directly with insurance carriers or carrier groups as the Commission finds to be necessary to facilitate administration.

(c) Compensation for the use of service facilities shall be based upon the services rendered for the Commission, with reimbursement for such items of claims expense (see § 62.6 of these regulations) as may be necessarily incurred or authorized by the Commission, unless the service charge agreed upon includes all items of the carriers expense. The compensation for services shall be such amount as the Commission and the carrier shall agree upon as reasonable for services rendered.

JEWELL W. SWOFFORD,
Chairman.

JNO. J. KEEGAN,
Commissioner.

ALBERT H. LADNER, Jr.,
Commissioner.

[F. R. Doc. 43-6173; Filed, April 20, 1943;
2:18 p. m.]

TITLE 29—LABOR

Chapter VII—War Manpower Commission

[Regulation No. 4]

PART 904—RESTRICTING TRANSFER OF WORKERS

REGULATIONS AND LIST OF ESSENTIAL ACTIVITIES

Correction

In the document appearing on page 5136 of the issue for Tuesday, April 20, 1943, paragraphs 19 and 20 of Appendix A should read as follows:

19. *Production of leather products.* The production of shoe and belting leather; industrial belting for transmission of power; boots, shoes, and gloves, for military and industrial use; saddlery, harness, and accessories.

20. *Production of textiles.* Spinning and weaving of fabrics for parachutes and powder bags; of canvas for tent, sails, tarpaulins, and related heavy canvas products; asbestos, fibrous glass, cotton, woolen, knit, linen, silk, and synthetic fiber goods for civilian, military, and industrial use.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Board of Economic Warfare

Subchapter B—Export Control

[Amendment 55]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended by changing the description of the commodity "Jewels and jewel bearings, industrial", wherever said commodity appears in said section, to read "Jewels and jewel bearings."

(Sec. 6, 54 Stat. 714; Pub. Laws 75 and 638, 77th Cong.; Order 3 and Delegation

of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 14, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6186; Filed, April 21, 1943;
11:11 a. m.]

[Amendment 56]

PART 804—INDIVIDUAL LICENSES

OFFICIAL SEAL

Paragraph (d) of § 804.1 *General provisions* is hereby amended to read as follows:

(d) When countersigned by an authorized officer of the Office of Exports the application shall become a license authorizing, subject to the provisions of this subchapter, the exportation of the quantity of those commodities described therein to the purchaser and consignee in the designated destination.

(Sec. 6, 54 Stat. 714; Pub. Laws 75 and 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 21, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6187; Filed, April 21, 1943;
11:11 a. m.]

[Amendment 57]

PART 802—GENERAL LICENSES

CANCELLATION OF CERTAIN GENERAL LICENSES TO NEWFOUNDLAND

Paragraph (a) of § 802.3 *General license country groups* is hereby amended by placing before the name of the country Newfoundland listed therein the letter "a" wherever the name of such country appears in this section.

Shipments of commodities to Newfoundland which are on dock, on lighter, laden aboard the exporting carrier, or in transit to a port of exit pursuant to an actual order prior to the effective date of this amendment, may be exported under previous general license provisions. Shipments moving to a vessel on or after the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to said effective date may also be exported under previous general license provisions.

This amendment shall become effective May 15, 1943.

(Sec. 6, 54 Stat. 714; Pub. Laws 75 and 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 31, 7 F.R. 9807)

Dated: April 21, 1943.

PAUL CORNELL,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-6188; Filed, April 21, 1943;
11:11 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-293]

BARQ'S BOTTLING CO.

Barq's Bottling Company is a Texas corporation with its principal place of business in Dallas, Texas. It is engaged in the bottling of non-alcoholic beverages, and is subject to the quota provisions of Conservation Order M-104. During the months of June, July and August 1942, the company used over 2,000 gross of new bottle caps or closures in excess of its permissible quota. The officers of this corporation, B. B. Barnes, President, C. E. Sherman, Secretary and Treasurer, and its employees, John Raymond Lewis, sales manager or supervisor, and H. T. Gersch, bookkeeper, knew that such order existed and that it restricted the use of new metal closures made of tinplate, terneplate and blackplate. In violation of its provisions, the company used new metal closures in excess of its quota, and concealed the purchase and use of many of such closures by making false entries on its books.

The company also furnished false information to the War Production Board with reference to its inventories of new metal closures.

This violation of Conservation Order M-104 has impeded and hampered the war effort by diverting scarce material to uses unauthorized by the War Production Board. In view of the foregoing facts *It is hereby ordered, That:*

§ 1010.293 Suspension Order S-293

(a) From the effective date of this order, neither Barq's Bottling Company, B. B. Barnes, C. E. Sherman, John Raymond Lewis nor H. T. Gersch, their successors or assigns, shall purchase, sell, deliver or use any new metal closures made of tinplate, terneplate or blackplate, nor shall they accept delivery of, withdraw from inventory or in any other manner secure or use new metal closures made of tinplate, terneplate or blackplate except as hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Barq's Bottling Company, B. B. Barnes, C. E. Sherman, John Raymond Lewis or H. T. Gersch, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the 22d day of April 1943 to continue in effect for a period of one year from said date,

after which time it shall have no further effect.

Issued this 20th day of April 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6181; Filed, April 20, 1943;
5:07 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-268]

JAMES A. KENNY

James A. Kenny, 120 West Norris Street, Philadelphia, Pennsylvania, is engaged in the manufacture of burial vaults, caskets, shipping cases and other funeral supplies. James A. Kenny violated Limitation Order L-64 by using approximately 7,000 pounds of iron and steel, or 21 per cent, in excess of his May 1942 quota and approximately 12,000 pounds of iron and steel, or 40 per cent, in excess of his June 1942 quota to produce caskets. Subsequent to June 30, 1942 he used approximately 247,000 pounds of sheet steel to process, fabricate or assemble caskets in violation of Limitation Order L-64. Subsequent to March 28, 1942, he used copper in the production of 37 caskets and bronze in the production of 10 caskets in violation of Limitation Order L-64 and Conservation Order M-9-c. James A. Kenny, furthermore, violated Priorities Regulation No. 1 by accepting on March 6, 1942 the delivery of 46,420 pounds of No. 20 gauge sheet steel at a time when his inventory of steel was in excess of a practicable minimum working inventory.

James A. Kenny's failure to ascertain the nature of the restrictions of the War Production Board governing the operation of his business was such gross negligence as to constitute wilful conduct. These violations have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered*, That:

§ 1010.268 Suspension Order S-268.

(a) James A. Kenny, his successors and assigns, shall not use any metal whatsoever in the production of more than 100 burial vaults, caskets and shipping cases during any calendar month, except as specifically authorized in writing by the War Production Board.

(b) Deliveries of material to James A. Kenny, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) No allocation shall be made to James A. Kenny, his successors and assigns, of any material the supply or dis-

tribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(d) Nothing contained in this order shall be deemed to relieve James A. Kenny, his successors and assigns from any restriction, prohibition or provision of any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on April 22, 1943, and shall expire on January 22, 1944, at which time the restrictions contained in this order shall be of no further effect.

Issued this 20th day of April 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-6182; Filed, April 20, 1943;
5:07 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 44]

APPLICABILITY OF MAXIMUM PRICE REGULATIONS TO THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this Supplementary Order No. 44 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1305.56 *Applicability of maximum price regulations to the Territory of Hawaii.* (a) All maximum price regulations, temporary maximum price regulations, and schedules which have been issued by the Office of Price Administration prior hereto are hereby declared to be inapplicable to the Territory of Hawaii, except the following, which are hereby adopted and affirmed to be applicable to the Territory of Hawaii:

Revised Price Schedule No. 1—Second hand machine tools.

Maximum Price Regulation No. 19—Southern pine lumber.

Revised Price Schedule No. 21—Formaldehyde.

Maximum Price Regulation No. 36—Acetone.

Maximum Price Regulation No. 37—Butyl alcohol and esters thereof.

Revised Price Schedule No. 44—Douglas fir doors.

Revised Maximum Price Regulation No. 55—Second hand bags.

Revised Price Schedule No. 56—Reclaimed rubber.

Revised Price Schedule No. 61—Leather.

Revised Price Schedule No. 63—Retail prices for new rubber tires and tubes.

Revised Price Schedule No. 66 as amended—Retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.

Revised Price Schedule No. 85—New passenger automobiles.

Revised Price Schedule No. 88—Petroleum and petroleum products.

*Copies may be obtained from the Office of Price Administration.

Maximum Price Regulation No. 107—Used tires and tubes.

Revised Maximum Price Regulation No. 108—Nitrate of soda, sulphate of ammonia and cyanamid.

Maximum Price Regulation No. 111—New household vacuum cleaners and attachments.

Maximum Price Regulation No. 119—Original equipment tires and tubes.

Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant.

Maximum Price Regulation No. 121—Miscellaneous Solid Fuels Delivered from Producing Facilities.

Revised Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities other than Producing Facilities—Dealers.

Maximum Price Regulation No. 133—Retail Prices for Farm Equipment.

Maximum Price Regulation No. 134—Construction and Road Maintenance Equipment Rental Prices.

Revised Maximum Price Regulation No. 135—Fertilizer.

Maximum Price Regulation No. 136, as amended—Machine and Parts, and Machinery Services.

Maximum Price Regulation No. 137—Petroleum Products Sold at Retail.

Revised Maximum Price Regulation No. 139—Used Household Mechanical Refrigerators.

Maximum Price Regulation No. 140—Sanitary Napkins.

Maximum Price Regulation No. 143—Wholesale Prices for New Rubber Tires and Tubes.

Maximum Price Regulation No. 151—New Bags.

Maximum Price Regulation No. 154—Ice.

Maximum Price Regulation No. 156—Certain Beef and Beef Products Purchased by Certain Federal Agencies.

Maximum Price Regulation No. 158—Resale of War Bicycles—Distributors and Dealers.

Maximum Price Regulation No. 162—Sale and Rental of Used Typewriters.

Maximum Price Regulation No. 180—Color Pigments.

Maximum Price Regulation No. 181—New-Formula Condensed Soups Packed under WPB Conservation Order M-81.

Maximum Price Regulation No. 185—Canned fruits and canned berries.

Maximum Price Regulation No. 192—Imported cresylic acid.

Maximum Price Regulation No. 198—Imports of silver bullion.

Maximum Price Regulation No. 203—Vitamin A natural oils and concentrates.

Maximum Price Regulation No. 234—Approved stirrup pumps.

Maximum Price Regulation No. 254—New small firearms and firearms parts.

Maximum Price Regulation No. 260—Cigars.

Maximum Price Regulation No. 294—Used household vacuum cleaners and attachments for used household vacuum cleaners.

Maximum Price Regulation No. 297—Natural resins.

Maximum Price Regulation No. 309—Platinum group metals and their products.

Maximum Price Regulation No. 341—Used commercial motor vehicles.

(b) Any matter required or permitted to be filed with the Office of Price Administration, Washington, D. C., by the provisions of any price regulation or schedule hereby adopted, or hereafter issued and made applicable to the Territory of Hawaii, shall instead be filed with the Office of Price Administration, Hawaii Territorial Office, Iolani Palace, Honolulu, T. H.

(c) Any records required to be kept by the provisions of any price regulation

or schedule hereby adopted, or hereafter issued and made applicable to the Territory of Hawaii, shall be kept as provided therein, and shall be made available for examination by the Office of Price Administration, Hawaii Territorial Office, Iolani Palace, Honolulu, T. H.

(d) Notwithstanding the provisions for adjustment of maximum prices, contained in any price regulation or schedule hereby adopted or hereafter issued and made applicable to the Territory of Hawaii, all adjustments of maximum prices and applications therefor in the Territory of Hawaii shall be made in accordance with Procedural Regulation No. 7.¹

This Supplementary Order No. 44 shall become effective April 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6179; Filed, April 20, 1943;
4:08 p. m.]

PART 1316—COTTON TEXTILES

[RPS 35,² Amendment 13]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 35 is amended in the following respects:

1. In § 1316.61 (b) (4) the adjustment granted for Class C sheetings in the footnote to Table III, is amended as follows:

CLASS C SHEETINGS

(Total thread-count per sq. in.)

128 to 139, inclusive..... add 1¢

2. The yarn numbers for Class A, Class B and Class C sheetings set forth in Table III-A of § 1316.61 (b) (4) are amended as follows:

TABLE III-A—KEY TO TYPES AND CLASSES OF CLOTH LISTED IN TABLE III

Type and class of cloth	Yarn numbers
Sheetings (under 42" in width):	(all numbers inclusive)
Class A.....	Up to 14.99's.
Class B.....	15's to 20.99's.
Class C.....	21's and above.

This amendment shall become effective April 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6176; Filed, April 20, 1943;
4:07 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 4779, 8 F.R. 970.

² 8 F.R. 1963.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,¹ Amendment 82]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1390.25 (a) (43) is added to read as follows:

(43) *Loom picker sticks and other textile machinery parts made of hickory.*—

(i) *Increase in maximum prices.* Notwithstanding any other provisions of this regulation, the maximum price calculated under this regulation apart from this subparagraph for any loom picker sticks and any other weaving and spinning hardwood parts made of hickory (such as: jack sticks, sweep sticks, binders, crank or pitman arms, skewers, parallel blocks, dobby sheaves, etc.) shall be increased by the amount provided in whichever of the following subdivisions (a) to (c) is applicable:

(a) *Manufacturers who buy picker stick blanks.* The amount to be added by any manufacturer who buys the hickory picker stick blanks from which he manufactures the parts involved shall be the combined dollar amount of the increases in the maximum price of the picker stick blanks going into the production of the picker sticks and other textile machinery parts made of hickory being priced, which became effective April 1, 1943 and April 8, 1943. Those increases shall be the amounts by which Order No. 16 under § 1499.18 (c), as amended, of the General Maximum Price Regulation and Amendment No. 151 to Supplementary Regulation No. 14 to the General Maximum Price Regulation increased the maximum price of hickory picker stick blanks sold or delivered by the manufacturer's supplier to the manufacturer, including any increase due to delivery charges that the supplier is permitted to make.

(b) *Manufacturers who make their own picker stick blanks.* The amount to be added by any manufacturer who makes the hickory picker stick blanks from which he manufactures the parts involved shall be an amount in line with the amounts to be added under (a) by comparable manufacturers who buy their hickory picker stick blanks, specifically authorized in writing by the Office of Price Administration. The manufacturer shall write to the Office of Price Administration, Washington, D. C., for such authorization.

(c) *Sellers other than manufacturers.* The amount to be added by any seller

¹ 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4524, 4787.

other than a manufacturer shall be the dollar amount by which the maximum price of the seller's supplier has been increased by this subparagraph on sales and deliveries to the seller. If the seller's supplier has notified the seller of the amount of such increase in accordance with subdivision (ii) and if the seller has no reason to doubt the validity of such notification, the amount of which the seller has been so notified shall be deemed to be the proper amount to be added under this subdivision (c).

(ii) *Notification by sellers who sell to purchasers for resale.* Every seller of loom picker sticks and other textile machinery parts made of hickory which are covered by this subparagraph, who sells such items to purchasers who buy for the purpose of resale, shall notify every such purchaser in writing of the amount by which the seller's maximum price to the purchaser has been increased on each such item calculated according to the appropriate provision in subdivision (i).

This amendment shall become effective April 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6178; Filed, April 20, 1943;
4:07 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS, AND ADMIXTURES

[MPR 118,¹ Amendment 18]

COTTON PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 118 is amended in the following respects:

The Table to § 1400.118 (d) (13) (iv) (a) is amended as follows:

Class	Average yarn numbers (all numbers inclusive)	Cents per lb.
A.....	Up to 14.99's.....	43.50
B.....	15's to 20.99's.....	44.62½
C.....	21's to 24.99's.....	46.25
D.....	25's and above.....	48.50

This amendment shall become effective April 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6177; Filed, April 20, 1943;
4:07 p. m.]

¹ 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905, 4405, 5224, 5405, 5567, 5836, 6005, 6484, 7451, 8217, 8941, 9002, 8948, 9969; 8 F.R. 274, 2338, 4137.

PART 1418—TERRITORIES AND POSSESSIONS
GENERAL MAXIMUM PRICE REGULATION FOR
THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this General Maximum Price Regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

§ 1418.152 *General Maximum Price Regulation for the Territory of Hawaii.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, General Maximum Price Regulation for the Territory of Hawaii, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.152 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

GENERAL MAXIMUM PRICE REGULATION FOR THE
TERRITORY OF HAWAII

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APPENDIX A—COMMODITIES DESIGNATED BY THE PRICE ADMINISTRATOR AS COST-OF-LIVING COMMODITIES

Article I—Maximum Prices

SECTION 1 Prohibition against dealing in commodities above maximum prices.

*Copies may be obtained from the Office of Price Administration.

On and after the effective date of this general maximum price regulation, regardless of any contract or other obligation:

(a) No person shall sell or deliver any commodity at a price higher than the maximum price permitted by this general maximum price regulation; and

(b) No person in the course of trade or business shall buy or receive any commodity at a price higher than the maximum price permitted by this general maximum price regulation.

(c) The provisions of paragraph (b) of this section shall not be applicable to any war procurement agency or any contracting or paying finance officer thereof and any such agency or contracting or paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this general maximum price regulation or by the Emergency Price Control Act of 1942. "War procurement agency" as used in this paragraph, includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

SEC. 2 *Maximum prices for commodities; general and special provisions.* (a) Except as otherwise provided in this regulation, the seller's maximum price for any commodity shall be:

(1) The highest price charged by the seller during April, 1942 for the same commodity; or if no charge was made for the same commodity, for the similar commodity most nearly like it.

(b) If the seller's maximum price cannot be determined under paragraph (a), the seller's maximum price shall be:

(1) The highest price charged during April 1942 by the most closely competitive seller of the same class for the same commodity; or if no charge was made for the same commodity, for the similar commodity most nearly like it.

(c) For the purposes of this general maximum price regulation, the highest price charged by a seller during April 1942 shall be the highest price which the seller charged for a commodity delivered by him during April 1942 to a purchaser of the same class; or if the seller made no such delivery during April 1942, his highest offering price for delivery during that month to a purchaser of the same class; or if the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during April 1942 to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers: *Provided, however, That*

(1) If before May 1, 1942, the seller raised his prices for commodity, to all his classes of purchasers (or to all his classes of purchasers except those to whom he was bound to make delivery during April 1942 pursuant to a firm commitment made before the price rise) and

(2) If during April 1942 he delivered the commodity at the increased price to at least one class of purchasers, then, in

order to allow the seller to apply the price rise to any class of purchasers to which no delivery was made during that month after the price rise (except under a firm commitment made before the price rise), the highest price charged during April 1942 shall be deemed to be:

(i) The seller's increased offering price to such class of purchasers for delivery during April 1942, or

(ii) If the seller had no such increased offering price to that particular class of purchasers, the highest price charged during April 1942 to a purchaser of a different class, adjusted to reflect:

(a) The seller's customary differential in price between the two classes of purchasers; or

(b) If the seller had no such customary differential, the actual percentage differential in price between the two classes of purchasers which existed at the time the seller last entered into a commitment, or, if he did not enter into such a commitment, last submitted an offering price, for delivery to a purchaser of that particular class during April 1942.

(d) No seller shall evade any of the provisions of this general maximum price regulation by changing his customary allowances, discounts or other price differentials.

(e) No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of any commodity than the seller required purchasers of the same class to pay during April 1942 on deliveries or supplies of the same or similar types of commodities.

(f) One commodity shall be deemed "similar" to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in style or design which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(g) The maximum prices established by this section for certain commodities or in certain transactions may be modified by supplementary regulation issued under this section.

SEC. 3 *Maximum prices for commodities which cannot be priced under section 2.* (a) The seller's maximum price for a commodity which cannot be priced under section 2 of this general maximum price regulation shall be a maximum price in line with the level of maximum prices established by this general maximum price regulation. Such prices shall be either the maximum price established under this section 3 for the same commodity by the most closely competitive seller of the same class, or a maximum price determined by the seller in accordance with the following procedures:

(1) In the case of a sale at wholesale or retail of a commodity, the seller shall make application for approval by the Office of Price Administration of a

maximum price for that commodity upon a form obtainable from the Office of Price Administration. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(2) In the case of a sale other than at wholesale or retail of a commodity, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Honolulu, Hawaii, an application setting forth (i) a description in detail of the commodity for which a maximum price is sought; and (ii) a statement of the facts which differentiate such commodity from other commodities delivered during April 1942 by such seller and by other competitive sellers of the same class. Such authorization will be given in the form of an order prescribing a method of determining the maximum price for the applicant or for sellers of the commodity generally, including purchasers for resale, or for a class of such sellers.

(3) In the case of a sale at wholesale or retail of a commodity which cannot be priced under paragraph (a) of this section, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration or any duly authorized officer thereof. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the office of the Office of Price Administration for the district in which his principal place of business is located an application setting forth (i) a description of the commodity or commodities for which a maximum price is sought; (ii) a statement of the reasons why such commodity or commodities cannot be priced under section 2 or 3 (a) of this general maximum price regulation; and (iii) any other facts which the seller wishes to submit in support of the application. The seller shall also submit such additional pertinent information as the Office of Price Administration may require. Such authorization will be given in the form of an order prescribing a method of determining the maximum price.

Sec. 4 Supplemental regulations. (a) If the maximum prices established for any commodity under the provisions of this general maximum price regulation fail equitably to distribute returns from the sale at retail of such commodity among producers, manufacturers, wholesalers and retailers, the Price Administrator will by supplementary regulation establish such maximum prices for different classes of sellers, or fix such base periods for the determination of their maximum prices, as will insure that each such class of sellers shall receive a fair share of such return.

Sec. 5 Determination of maximum prices by sellers at retail operating more than one retail establishment. (a) A seller who owns more than one establishment selling commodities at retail and who has had a fixed practice, which

prevailed during April 1942, of selling commodities at retail at uniform or at substantially uniform prices in all such establishments or in all such establishments located in a particular area may make written application to the Office of Price Administration, Honolulu, Hawaii, for authorization to determine and use uniform maximum prices under this general maximum price regulation in all of such establishments in which it has been the practice to charge uniform or substantially uniform prices. Such application shall state (1) the name and address of the principal office of the seller; (2) the number of separate retail establishments owned by the seller and the address of each such establishment; (3) the kind of merchandise carried in such retail establishments; (4) whether commodities are purchased centrally by the seller and distributed by the seller to such retail establishments or are purchased separately by such establishments; (5) a description of the fixed practice of the seller of selling commodities at uniform or substantially uniform prices in all such retail establishments or in all such retail establishments located in particular areas indicating the length of time during which such practice has been in effect and whether uniform selling prices are determined in a central office; (6) the names and addresses of the seller's most closely competitive sellers of the same class on a territorial basis; and (7) any other facts which the seller wishes to submit in support of the application. If such authorization is given, it will be accompanied by instructions as to the method by which the seller may determine and use uniform maximum prices under this general maximum price regulation.

Sec. 6 Adjustment of maximum prices in cases of special deals. (a) Any seller, other than a seller at retail, whose maximum price for a commodity to purchasers of a particular class is based on a "special deal" given by him to such purchasers which he can demonstrate was to have terminated not more than 125 days from the date on which it first became effective, may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal first became effective.

(b) A seller at retail whose maximum price for a commodity to purchasers of a particular class is based on a special deal given by him to such purchasers as the result of a special deal given to him by his supplier may adjust his maximum price to such purchasers to the highest price at which such commodity was delivered by him to a purchaser of that class during the 30 days immediately preceding the date on which the special deal given by him first became effective. Such adjusted maximum price shall not apply to the particular commodities purchased by the retailer under the special deal given to him by his supplier.

(c) The words "special deal," as used in this section, mean any reduction in the price of a commodity to purchasers

of a particular class from the price in effect for purchasers of that class on the day immediately preceding the date on which the special deal first became effective, including but not limited to a reduction in such price resulting from offers of free goods, combination sales, and increased quantity and other discounts to purchasers of such class.

(d) A seller who makes an adjustment in his maximum price pursuant to this section shall within 10 days thereafter, submit a statement to the office of the Office of Price Administration for the district in which the seller's place of business is located, except that if the seller makes sales of the commodity in more than one district, the statement shall be submitted to the Office of Price Administration, Honolulu, Hawaii. Such statement shall set forth:

(1) The seller's maximum price for the commodity prior to the adjustment permitted by this section;

(2) A description of the special deal given by the seller including all the terms thereof, the class or classes of purchasers to which it was applicable, the dates during which it was in effect, and copies of price lists, advertisements and trade announcements pertaining to such special deal;

(3) In the case of a seller at retail a description of the special deal given to him by his supplier including all the terms thereof, the dates during which it was in effect and copies of price lists and trade announcements pertaining to such special deal;

(4) In the case of a seller other than a seller at retail, detailed evidence demonstrating that the special deal was to have terminated on or before a date not more than 123 days from the date on which the special deal first became effective.

(5) The adjusted maximum price established by the seller pursuant to this section; and

(6) A description of all prices and terms of payment which the seller has had in effect for the commodity since January 1, 1941.

(e) The adjusted maximum price reported by the seller pursuant to this section shall be subject to adjustment at any time by the Office of Price Administration.

Sec. 7 Transfers of business or stock in trade. (a) If the business, assets or stock in trade of any business are sold or otherwise transferred after May 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this general maximum price regulation.

SEC. 8 Federal and State taxes. (a) Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity imposed by any statute of the United States or statute or ordinance of any state, territory or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(1) *As to a tax in effect during April, 1942.* (i) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during April 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this general maximum price regulation.

(ii) In all other cases if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this general maximum price regulation.

(2) *As to a tax or increase in a tax which becomes effective after April 30, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 9 Less than maximum prices. Lower prices than those established by this general maximum price regulation may be charged, demanded, paid or offered.

Article II—Commodities Excepted From This General Maximum Price Regulation

SEC. 10 Commodities excepted from this general maximum price regulation.

(a) This general maximum price regulation shall not apply to sales or deliveries of the following commodities:

(1) Any raw and unprocessed agricultural commodity or greenhouse commodity while it remains in substantially its original state, except that dried fruits and dried berries (other than dried prunes and other than sales or deliveries "in natural condition" by growers to packers), bananas, and dried imported agricultural commodities, shall be governed by this general maximum price regulation.

(2) Eggs and poultry.

(3) All milk products, including butter, cheese, condensed and evaporated milk, except that fluid milk sold at wholesale and retail, cream sold at wholesale and retail, and ice cream shall be governed by this general maximum price regulation.

(4) Flour, cake mixes and flour mixes, except that packaged cake mixes and flour mixes shall be governed by this general maximum price regulation.

(5) Mutton and lamb.

(6) Fresh fish and seafood, and game.

(7) Dried prunes, dry edible beans, leaf tobacco (whether dried or green), all nuts and peanuts, except cleaned or raw shelled peanuts harvested from the 1941 crop, all salted peanuts and peanut butter, linseed oil, linseed cake and linseed meal, manure, garbage, mixed seeds for housepet birds, and poultry tonics and condiments.

(8) Living animals, whether wild or domestic.

(9) Books, magazines, motion pictures, periodicals, newspapers, and materials furnished for publication by any press association or feature service.

(10) Blister copper, lead bullion, ores, and ore concentrates.

(11) Stumpage, logs, and pulpwood.

(12) Stamps and coins; precious stones and mountings into which precious stones are set; antiques and knotted oriental rugs; paintings, etchings, sculptures and other objects of art.

(13) Used automobiles.

(14) Wood and gum for naval stores and gum naval stores.

(15) Securities.

(16) Such other commodities as may be specified by supplementary regulations issued under this section.

(b) This general maximum price regulation shall not apply to the following sales or deliveries:

(1) By a farmer, of commodities grown and processed on his farm, if the total of such sales or deliveries does not exceed \$75 in any one calendar month.

(2) By any person, of his used supplies or equipment not acquired or produced by him for the purpose of sale. *Provided, however,* That the exception provided in this subparagraph shall not apply to sales or deliveries of used tin cans sold or delivered to persons authorized or licensed under paragraph (b) (4) of Supplementary Order No. M-72-a, issued by the Director General for Operations, War Production Board.

(3) By an owner, of his used personal or household effects or other personal property used by him.

(4) At a bona fide auction of used household or personal effects.

(5) By hotels, restaurants, soda fountains, bars, cafes, cafeterias or other similar eating establishments, or meals, servings of food portions customarily served separately or as part of a meal, or beverages mixed or prepared by the seller.

(i) This exemption shall not apply to sales of ice cream in cones, dixie cups or similar packages.

(6) By a breeder, trapper, or hunter, of pelts, furs, or other parts of wild animals raised by him, or trapped, shot, or killed by him, if the total of such sales or deliveries does not exceed \$75 in any one calendar month.

(7) Of commodities sold without private profit in the course of any sale, fair, or bazaar conducted for a period of not more than 15 days by any religious, charitable, or philanthropic organization.

(8) To the United States or any agency thereof of such commodities or in such transactions as may be specified by supplementary regulations issued under this section.

(9) Such other sales and deliveries as may be specified by supplementary regulations issued under this section.

Article III—Records

SEC. 11 Base-period records. (a) Every person selling commodities for which, upon sale by that person, maximum prices are established by this general maximum price regulations, shall:

(1) Preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for such of those commodities as he delivered during April 1942, and his offering prices for delivery of such commodities during such month; and

(2) Prepare, on or before August 1, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest prices which he charged for such of those commodities as he delivered during April 1942 and his offering prices for delivery of such commodities during such month, together with an appropriate description or identification of each such commodity; and

(ii) All his customary allowances, discounts, and other price differentials.

(b) Any person, other than a person selling at retail, who claims that substantial injury would result to him from making such statement available to any other person, may file it with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this general maximum price regulation.

SEC. 12 Current records. (a) Every person selling commodities for which, upon sale by that person, maximum prices are established by this general maximum price regulation shall keep, and make available for examination by

the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for such of those commodities as he sold after the effective date of this general maximum price regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for those commodities.

SEC. 13 Maximum prices of cost-of-living commodities: statement, marking or posting. (a) For the purposes of this section, a cost-of-living commodity is any commodity designated as such by the Price Administrator. A list of the classes of commodities so designated appears in Appendix A, of this general maximum price regulation.

(1) On and after June 18, 1942, every person offering to sell a cost-of-living commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided*, That whichever of the above methods of posting is adopted, the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogs or layers of price lists or otherwise or in any other manner. The maximum price shall be stated as follows: "Ceiling Price \$-----;" or "Our Ceiling \$-----." Any person choosing to post by price-lines the maximum prices of commodities in the classifications marked by asterisks in Appendix A, shall post the maximum price by price-line at the place in the business establishment where the commodities in such price-line are offered for sale, and, in addition, shall mark the selling price of each such commodity on the commodity itself.

(2) Every seller making retail sales on the basis of orders received by mail shall post or mark his maximum prices in all catalogs, flyers, leaflets, circulars, booklets, lists or other printed or similar matter issued and distributed by him after the effective date of this amendment for the purpose of obtaining mail orders. One of the following methods of posting or marking shall be used:

(i) State the maximum price for each cost-of-living commodity listed in each of the publications described above at the place in the publication where such commodity is listed. The maximum price shall be stated substantially as follows: "Ceiling price \$-----;" or "Our ceiling price \$-----;" or,

(ii) Print on the front cover of all catalogs, flyers, leaflets, circulars or booklets, or the front page of all lists or publications not having a cover, at the time they are issued, substantially the following statement signed with the name of the seller:

NOTICE TO CUSTOMERS

No price for any article listed or described herein exceeds the ceiling price for that article as determined under the applicable maximum price regulation issued by the Office of Price Administration. As required by that Office, we will, upon request, furnish you with a statement of our maximum prices on any of the commodities listed about which you inquire.

(Signed) -----

Any seller using this method, shall upon request, furnish a statement of the maximum prices for any commodities listed or described in the publication and about which the customer inquires.

(3) Any seller making retail sales by mail may apply to the Office of Price Administration for permission to deviate from the requirements in subparagraph (2). The application shall state why such requirements are inequitable or inappropriate as applied to the applicant's business, and shall show that the requested method of posting is substantially in line with the requirements of posting for mail order sellers set forth in subparagraph (2).

(4) On or before August 1, 1942, every person offering to sell cost-of-living commodities at retail shall file with the appropriate war price and rationing board of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the tenth day of every succeeding month a statement of his maximum price for any cost-of-living commodity newly offered for sale during the previous month, together with an appropriate description or identification of the commodity.

(5) No person is required to mark or file the maximum price of any commodity manufactured by him if his only sales at retail of such commodity are made to his employees.

SEC. 14 Sales slips and receipts. Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity sold, and the price received for it.

Article IV—Registration and Enforcement

SEC. 15 Registration. (a) Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an establishment selling at retail any commodity for which a maximum price is established by this general maximum price regulation or by any other price regulation of the Office of Price Administration, shall register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe, on forms which will be made by the Office of Price Administration.

SEC. 16 Licensing—(a) License required. A license as a condition of selling is required of every person selling at wholesale or retail any commodity for which a maximum price is established by the General Maximum Price Regulation or by any other price regulation of the Office of Price Administration. No person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall, during the period of suspension, sell any commodities as to which his license to sell is suspended.

(b) **License granted.** Every person selling at wholesale or retail any commodity for which a maximum price is established by the General Maximum Price Regulation or by any other price regulation of the Office of Price Administration is by the General Maximum Price Regulation granted a license as a condition of selling any such commodity. The provisions of the General Maximum Price Regulation and of every price regulation of the Office of Price Administration to which this section now is or may hereafter become applicable shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of the General Maximum Price Regulation or when any such person becomes subject to the maximum price provisions of this or any other price regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, remain in effect as long as such regulation, or any applicable part, amendment, or supplement remains in effect.

SEC. 17 Penalties. (a) Persons violating any provision of this general maximum price regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

Article V—Procedure for Adjustment or Amendment

SEC. 18 Adjustment of maximum prices. (a) Adjustments of maximum prices heretofore granted by the Office of the Military Governor for Hawaii under the provisions of General Maximum Regulation No. 1 of the Military Governor shall continue in full force and effect until revoked or modified by the Office of Price Administration.

(a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the case of any seller or group of sellers when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such

seller and of like sellers for such commodity; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(a) The Director of the Office of Price Administration for the Territory of Hawaii is authorized to make adjustments or act upon applications for adjustment under this section.

(1) Applications for adjustment shall be filed in accordance with Procedural Regulation No. 7: *Provided, however*, That the action to be taken thereunder by the Regional Administrator may be taken in like manner by the Director of the Office of Price Administration for the Territory of Hawaii, Honolulu, T. H.

Sec. 19 *Petitions for amendment.* (a) Any person seeking an amendment of any provision of this general maximum price regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1: *Provided, however*, That such petition shall be filed with the Director of OPA for the Territory of Hawaii, Honolulu, T. H.

Article VII—Definitions and Explanations

Sec. 20 *Definitions and explanations.*

(a) This general maximum price regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(1) "Appropriate field office of the Office of Price Administration" means the district office for the district in which is located the seller's place of business from which his sales are made

(2) "Appropriate war price and rationing board" means the war price and rationing board for the area in which is located the seller's place of business from which the cost-of-living commodities are offered for sale.

(3) "Commodity" includes commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing.

(4) A commodity shall be deemed to have been "delivered" during April 1942, if during such month it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(5) "Establishment selling at retail." "Establishment" refers to the physical location of the store, shop or other place of business in which commodities are sold. Any such establishment shall be deemed to be selling at retail if it has an established practice of making sales at retail.

(6) "Most closely competitive seller of the same class." "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, retailing, processing, storing, installing, or repairing), (ii) of similar type (for example, department store, mail order house, chain store, specialty shop, cut-rate store), (iii) dealing

in the same type of commodities, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (i) is selling the same or a similar commodity, and (ii) is closely competitive in the sale of such commodities, and (iii) is located nearest to the seller.

(7) "Offering price" means the price quoted in the seller's price list, or, if he had no such price list, the price which he regularly quoted in any other manner, except that in the case of sales of commodities by an establishment selling at retail, the offering price shall be the price at which the commodity was offered for sale at the immediate point of sale (for example, the shelves or counters). But "offering price" shall not include a price intended to withhold a commodity from the market, or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

(8) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(9) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(10) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(11) "Raw and unprocessed agricultural commodity or greenhouse commodity." Commodities that are picked, harvested, threshed, ginned, husked, cleaned, dried, baled, boxed, packed, transported, and/or refrigerated, without more, remain "raw and unprocessed". But operations such as slaughtering, freezing, canning, preserving, milling, crushing, straining, centrifuging, shelling of nuts, cooking, distilling, purifying with heat, constitute processing for this purpose. For the purposes of the General Maximum Price Regulation the following commodities shall be deemed to be raw and unprocessed agricultural commodities: (i) All natural flowers and floral products, whether fresh or dried, (ii) All seeds and bulbs as long as they maintain their original identity without being further processed into products commonly designated by other names. Forest products, such as lumber, wood, naval stores and mineral products, whether processed or unprocessed, shall not be deemed to be agricultural commodities.

(12) "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(13) "Replacement cost" shall be the net price paid by the seller after June 18, 1942, or the net price which the seller would have to pay to replace such commodity after such date.

(14) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer other than an industrial or commercial user, except that (i) for the purpose of section 3 of this general maximum price regulation a "sale at retail" shall not include any sale by a producer, manufacturer, or fabricator of any commodity produced, manufactured, or fabricated by him, and (ii) for the purpose of sections 9 and 11 of this general maximum price regulation a "sale at retail" shall not include any sale to the United States, any other government or any of its political subdivisions, any religious, educational or charitable institution, any institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library or any agency or any of the foregoing.

(15) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer, except that (i) for the purposes of section 3 of this general maximum price regulation a sale at wholesale shall include any sale by such person to an industrial or commercial user and (ii) "sold at wholesale" refers to a sale, by any person, of fluid milk or cream in bottles or paper container, ice cream mix whose butterfat content is reduced to not less than 8% included in 14% or more (by weight) of milk solids, and ice cream to any person, including an industrial or commercial user, other than the ultimate consumer.

(16) "Securities" includes any note, stock, bond, and interest or instrument commonly known as a "security."

(17) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this general maximum price regulation shall be construed to prohibit the making of a contract to sell a commodity at a price not to exceed the maximum price at the time of delivery or supply.

(18) "Seller" includes a seller of any commodity. Where a seller at retail makes sales through more than one selling unit, other than salesmen making sales at uniform prices, each such separate place of business of the seller shall be deemed to be a separate seller. Where a seller other than at retail makes sales through more than one selling unit, all selling units whose prices for most of the commodities they sell have customarily been determined centrally by the same office, shall be deemed to be a single seller; but where a seller has by charging different prices for a commodity at his selling units estab-

¹ 7 F.R. 4779, 8 F.R. 970.

² 7 F.R. 8961, 8 F.R. 3313, 3533.

lished different classes of purchasers, he will have different maximum prices for the different selling units. For the purposes of section 16 of this general maximum price regulation, the owner of a business shall be considered the seller regardless of the number of separate places of business he owns.

(19) "Flour" means the flour produced from wheat, rye, buckwheat, rice, corn, oats, barley, soybeans and potatoes. Combinations of flours produced from the said commodities, and bleached, bromated, enriched, phosphated and self-rising flours shall be considered flour. Flour from wheat shall mean:

(i) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than 1/20th of the protein calculated to a moisture-free basis plus .35 except that farina shall not be deemed to be flour from wheat.

(ii) Any product of the milling of durum wheat, whose ash content calculated to a moisture-free basis, is not more than 1.5 per cent, except that semolina shall not be deemed to be a flour from wheat.

(iii) Whole wheat flour.

(iv) Whole durum wheat flour.

(v) Blends of the foregoing flours from wheat.

(vi) In determining whether the ash content of bleached, bromated, enriched, phosphated and self-rising flours complies with the above ash requirements, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

(20) "Cake mixes" and "Flour mixes" means combinations of flour or flours with any other ingredients except those used in making bleached, bromated, enriched, phosphated and self-rising flours.

(21) "Packaged" as applied to "cake mixes" and "flour mixes" means packaged for sale at retail in a container of any holding three pounds or less, where the packaging has been done before arrival at the point of retail sale.

(22) "Ores" means any mineral substance in a crude state used chiefly as a commercial source of metal contained therein. "Ore concentrates" means any ore, as defined above, after the removal of a part of the gangue, or a part of the non-metallic elements, either by a physical or chemical process.

(23) "Precious stones" means any ruby, sapphire, emerald, natural pearl, or any diamond (other than an industrial diamond) weighing more than 1.00 carat, or any semi-precious stone after sale by the cutter, when the cutter has received more than \$100 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones". If two or more diamonds (other than industrial diamonds) with an aggregate weight of 1.50 carats are set in one mounting, the diamonds shall be deemed precious.

Article VII—Other Price Regulations, Applicability, Effective Date

SEC. 21 Effect of other price regulations. (a) Sections 13, 14, 15, and 16 of

this general maximum price regulation shall apply but the other provisions of this general maximum price regulation shall not apply to any sale or delivery for which a maximum price is in effect, at the time of such sale or delivery, under the provisions of any other price regulation issued, or which may be issued, by the Office of Price Administration, unless otherwise provided in any such price regulation. This general maximum price regulation supersedes the applicable provisions of General Order No. 49.*

SEC. 22 Applicability. (a) The provisions of this general maximum price regulation shall be applicable to the Territory of Hawaii unless otherwise provided herein.

SEC. 23 Effective date. This general maximum price regulation shall become effective on June 18, 1942.

APPENDIX A—COMMODITIES DESIGNATED BY THE PRICE ADMINISTRATOR AS COST-OF-LIVING COMMODITIES

(NOTE: For the commodity classifications marked by asterisks, maximum prices may be posted by price-lines at the place in the business establishment where the commodities are offered for sale, provided that, in addition, the selling price of each commodity in such classification shall be marked on the commodity itself. See Section 13 of this General Maximum Price Regulation.)

TOBACCO, DRUGS, TOILETRIES, AND SUNDRIES

(All brands, grades, and sizes, except where otherwise indicated)

Tobacco:

Cigarettes.

Smoking tobacco, in cans and packages.

Packaged household drugs:

Aspirin tablets.

Milk of magnesia, liquid.

Cod liver oil, liquid.

Epsom salts.

Boric acid.

Castor oil and mineral oil.

Witch-hazel and rubbing alcohol.

Toiletries and sundries:

Hand and toilet soaps.

Dentifrices (paste, powder, and liquid).

Shaving cream.

Toothbrushes.

Sanitary napkins.

Razor blades.

Facial tissues.

Infants' food: All types.

Ice cream: Bulk and packaged.

APPAREL AND YARD GOODS

Men's and boys' clothing:

Suits, business and sport.*

Overcoats, topcoats, and raincoats, business and sport.*

Trousers and slacks, dress, sport, and wash.*

Men's shirts, other than formal.*

Pajamas and nightshirts, cotton, wool, and part wool.*

Shorts, cotton.

Undershirts, cotton knit.

Union suits.

Hosiery, other than pure silk and pure wool.*

Felt hats.*

Work shirts.

Work pants.

Overalls and coveralls.

Sweaters.

Mackinaws.*

Jackets, boys' only.*

Men's work gloves.

Boys' gloves and mittens.

Boys' blouses and shirts.

Men's and boys' clothing—Continued.

Boys' snow suits.*

Infants' clothing:

Diapers.

Dresses, other than silk.

Shirts.

Binders.

Sleeping garments.

Coats, cotton, wool, part wool.

Snow suits.

Sweaters.

Sunsuits (cotton only).

Women's and girls' clothing:

Coats, untrimmed and fur-trimmed, sport and dress.*

Suits.*

Dresses, street and house.*

Hosiery, including anklets.*

Panties and slips.*

Foundation garments and brassieres.*

Women's gloves, children's gloves and mittens.*

Skirts.

Blouses and shirts, tailor, rayon or cotton.*

Sweaters.

Children's jackets.*

Nightgowns and pajamas, other than silk.*

Robes and house coats, flannel and cotton.*

Children's overalls, slacks, sunsuits and shorts (cotton only).*

Children's snow suits.*

Yard goods:

Cotton yard goods.

Rayon yard goods.

Wool and mixtures of wool.

Footwear:

Street, work dress, and sport shoes for men, women, and children.*

Infants' shoes.

Rubber footwear.

FOOD AND HOUSEHOLD SUNDRIES

(Meat)

Fresh beef:

Rib roast.

Chuck steak.

Top round steak.

Rump roast.

Chuck roast.

Beef liver.

Ground round steak.

Pork:

Loin whole roast.

Rib end roast.

Loin end roast.

Best center cut chops.

Bacon.

Ham, whole, half, or sliced.

Salt pork.

Other meat products:

Cooked or smoked ham.

Frankfurters.

(Canned Fruits, Vegetables, and Juices)

Canned peaches.

Canned pears.

Canned pineapples.

Canned corn.

Canned peas.

Canned tomatoes.

Canned pork and beans.

Canned green beans, cut.

Canned tomato juice.

Canned grapefruit juice.

Canned pineapple juice.

OTHER GROCERIES AND HOUSEHOLD SUNDRIES

Canned salmon.

Canned vegetable soup.

Canned tomato soup.

Packaged flour mixes (cake, pancake, biscuit mixes only).

Macaroni and spaghetti, dried, bulk, and packaged.

Rolls, bulk and packaged.

Corn flakes.

Bread, all types.

Soda crackers.

Fresh milk and cream.

Lard, bulk and print.
Vegetable shortening.
Sugar, all types, packaged and bulk.
Coffee.
Cocoa.
Table salt.
Corn meal, bulk or packaged.
Rice, bulk or packaged.
Toilet paper.
Soaps (bar, flakes, powder, chips, granular, and cleansing powders).
Paper napkins.

HOUSEHOLD FURNITURE, APPLIANCES, AND FURNISHINGS

Appliances and equipment:
Radios and phonographs.
Vacuum cleaners and carpet sweepers.
Refrigerators and iceboxes.
Washing machines.
Sewing machines.
Stoves and ranges.
Small appliances: irons, toasters, glass coffee makers, and mixers.
Floor lamps and bridge lamps.
Light bulbs.
Ironing boards.
Step-on cans.
Floor brooms.
China and pottery tableware, in sets.
Cooking utensils (10-quart pall, 2-quart saucepan, 5-quart teakettle).

Furniture:

All living room, dining room and bed room suites (sets or individual pieces).
Kitchen tables and chairs.
Studio couches and sofa beds.
Mattresses.
Bedsprings.

Furnishings:

Rugs and carpets, size 6 by 9 feet and larger.
Linoleum.
Felt base floor coverings.
Bed sheets and sheeting, cotton.*
Towels, cotton bathroom and kitchen.*
Blankets and comforts.*
House curtains.*
Bed spreads, cotton.*
Tablecloths and napkins, plain and print (cotton only).
Window shades.

HARDWARE, AGRICULTURAL SUPPLIES, MISCELLANEOUS

Hayforks.
Garden and lawn rakes.
Dirt shovels.
Axes, single bit.
Claw Hammers.
Handsaws.
Inside and outside house paints (ready mixed).
Fertilizer, bulk and packaged.
Insecticides.
Bicycles, adult sizes.
Bicycle tires.
Flashlights.

ICE AND FUEL AND AUTOMOTIVE

Ice.
Coke.
Coal (hard and soft).
Charcoal.
Firewood.
Kerosene.
Fuel oil.
Gasoline.
Oil.
Tires and inner tubes.

Issued this 20th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6175; Filed, April 20, 1943;
4:08 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 374]

JEWELRY AND CERTAIN OTHER ARTICLES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1418.153 *Maximum prices for jewelry and certain other articles in the Territory of Hawaii.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, Maximum Price Regulation No. 374 (Jewelry and Certain Other Articles in the Territory of Hawaii), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.153 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION NO. 374—JEWELRY AND CERTAIN OTHER ARTICLES IN THE TERRITORY OF HAWAII

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Article I—Prohibitions and Scope of Regulation

SEC. 1 *Prohibition against selling and buying at higher than maximum prices.* On and after April 20, 1943, regardless of any contract or obligation, no person is permitted to sell or deliver at wholesale or at retail any article listed or described in Appendix A at a price which is higher than the applicable maximum price established by this regulation, and no person, in the course of trade or business, is permitted to buy or receive any such article from a wholesaler or retailer at a price which is higher than that maximum price. The maximum prices established by this regulation are applicable

*Copies may be obtained from the Office of Price Administration.

whether the sale is for cash or for credit. In no case shall the maximum price for the sale of any article at wholesale or retail exceed the maximum price permitted by the provisions of the General Maximum Price Regulation for Hawaii.

Sec. 2 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 374, may be charged, demanded, paid or offered.

Sec. 3. *To what transactions, products and persons this ceiling applies—(a) What commodities are covered.* This regulation applies only to the articles listed or described in Appendix A of this regulation.

(b) *What transactions are covered.* This regulation applies only to sales at wholesale or at retail of the articles listed or described in Appendix A of this regulation.

(c) *Geographical applicability of this regulation.* This regulation applies only to sales and purchases in the Territory of Hawaii of the articles listed or described in Appendix A of this regulation.

(d) *Effect upon the General Maximum Price Regulation for Hawaii and other maximum price regulations.* The provisions of this regulation supersede the provisions of Maximum Price Regulation No. 27, as issued by the Office of the Military Governor, Territory of Hawaii, General Order No. 49, and of all other maximum price regulations issued by the Office of Price Administration, except as hereinafter provided, with respect to sales and purchases in the Territory of Hawaii of the articles listed or described in Appendix A of this regulation.

Article II—Maximum Prices and Terms of Sale

SEC. 4 *Maximum price for sales at wholesale.* (a) The maximum price for sales at wholesale of any article listed or described in Appendix A shall be a price $1\frac{1}{3}$ times the manufacturer's selling price.

(b) *Examples.* (1) A wholesaler in Honolulu buys a birthstone ring from a mainland manufacturer for \$30.00, which is the manufacturer's selling price, as that term is defined in this regulation. It costs the wholesaler 30¢ to bring the ring from the mainland to Honolulu. The wholesaler shall compute his maximum price in the following manner: $\$30.30 \times 1\frac{1}{3} = \$40.40$. The resulting figure, \$40.40, is his maximum price.

(2) A wholesaler in Honolulu buys a birthstone ring from a mainland wholesaler for \$35.00. It costs the wholesaler 30¢ to bring the ring from the mainland to Honolulu. The manufacturer's selling price to the mainland wholesaler was \$30.00. The Honolulu wholesaler shall compute his maximum price in the following manner: $\$30.30 \times 1\frac{1}{3} = \$40.40$. The resulting figure, \$40.40, is his maximum price.

(c) *Statement by wholesaler of manufacturer's selling price.* Every person making a sale at wholesale of an article listed or described in Appendix A, shall give his buyer a written statement, set forth in the invoice or otherwise, stating the manufacturer's selling price on that article.

If the wholesaler, in the event he did not purchase the article from the manufacturer, shall receive from his seller a written statement stating the manufacturer's selling price and if he has no knowledge of the manufacturer's selling price and no cause to doubt the accuracy of his seller's statement, he may use the price set forth in his seller's statement for the purpose of making his written statement to his buyer.

Sec. 5. *Maximum prices for sales at retail.* The basis upon which the maximum retail price shall be computed depends upon whether the particular article being priced was in the inventory of the retailer as of November 9, 1942, and whether the retailer purchased the article from the manufacturer or from a wholesaler. No article shall be deemed to be in the inventory of the retailer as of November 9, 1942, unless the article was actually delivered to the retailer prior to November 9, 1942. An article shall be deemed to have been delivered to the retailer prior to November 9, 1942, if, prior to November 9, 1942, it was received by the retailer or by any carrier for shipment to the retailer, or was deposited in the mails addressed to the retailer.

(a) *Articles in inventory as of November 9, 1942.* (1) *Articles which retailer purchased from wholesaler.* (i) The maximum price for any article in the inventory of the retailer as of November 9, 1942, which the retailer purchased from a wholesaler shall be a price 1.75 times the net cost of the article to the retailer.

(ii) *Example.* A retailer had a gold bracelet in his inventory as of November 9, 1942, which he purchased from a wholesaler, the net cost of which to him was \$64.00. The retailer shall compute his maximum price in the following manner: $64 \times 1.75 = 112$. The resulting figure, \$112.00, is his maximum price.

(2) *Articles which retailer purchased from manufacturer.* (i) The maximum price for any article in the inventory of the retailer as of November 9, 1942, which the retailer purchased from the manufacturer shall be a price two times the net cost of the article to the retailer.

(ii) *Example.* A retailer had a sterling silver cigarette case in his inventory as of November 9, 1942, which he purchased from the manufacturer, the net cost of which to him was \$10.60. The retailer shall compute his maximum price in the following manner: $10.60 \times 2 = 21.20$. The resulting figure, \$21.20, is his maximum price.

(b) *Articles not in inventory as of November 9, 1942.* (1) The maximum price for any article not in the inventory of the retailer as of November 9, 1942, shall be a price (i) 2 times the net cost of the article to the retailer, or (ii) $2\frac{1}{2}$ times the manufacturer's selling price, whichever is lower.

(2) *Examples.* (i) A Honolulu retailer buys a birthstone ring from a Honolulu wholesaler after November 9, 1942, for \$40.00. The wholesaler gives the retailer the required written statement to the effect that the manufacturer's selling price was \$30.00. The retailer shall compute his maximum price in the following manner. He shall first compute what his maximum price would be if he used twice

his net cost as his basis, $40 \times 2 = \$80$. The resulting figure, \$80.00, would be his maximum price on this basis. He shall then compute what his maximum price would be if he used $2\frac{1}{2}$ times the manufacturer's selling price as his basis, $30 \times 2\frac{1}{2} = \$70$. The resulting figure, \$70.00, would be his maximum price on this basis. The retailer must take the lower of these two figures, \$70.00, as his maximum price.

(ii) A retailer in Honolulu buys a birthstone ring after November 9, 1942, from the mainland manufacturer for \$30.00, which is the manufacturer's selling price as that term is defined in this regulation. It costs the retailer 30¢ to bring the ring from the mainland to Honolulu, making the net cost to him \$30.30. Since in every case in which a retailer buys directly from a manufacturer, twice his net cost will yield a price less than $2\frac{1}{2}$ times the manufacturer's selling price, the retailer shall compute his maximum price on the basis of his net cost, in the following manner, $30.30 \times 2 = \$60.60$. The resulting figure, \$60.60, is his maximum price.

(c) *Effect of wholesaler's statement of manufacturer's selling price.* If a retailer, in the event he did not purchase the article being priced from the manufacturer, shall receive from his seller a written statement, set forth in the invoice or otherwise, stating the manufacturer's selling price and if he has no knowledge of the manufacturer's selling price and no cause to doubt the accuracy of his seller's statement, he may use the price set forth in his seller's statement as the manufacturer's selling price for the purpose of applying section 5 (b) of this regulation.

Sec. 6. *Maximum prices for sales of second-hand watches.* (a) The provisions of section 1, section 4, section 5, section 13 and section 14 of this Maximum Price Regulation No. 374 shall not apply to sales of second-hand watches.

(b) For the purposes of this regulation, a second-hand watch is any watch which is not new and includes second-hand and rebuilt watches.

(c) On and after March 3, 1943, no person shall sell or deliver at retail any second-hand watch at a price which is higher than the applicable maximum price established by this regulation.

(d) The maximum retail price for any second-hand watch having a cylinder or pin lever movement shall be \$1.00. The maximum retail price for any second-hand watch having a lever escapement movement and of a make appearing in subparagraph (1) hereof shall be the price set forth in subparagraph (2) hereof, corresponding to the type, movement and case of such watch.

(1) Hamilton	Muvado
Elgin	Rolex
Bulova	Mido
Waltham	Matthy-Tissot
Gruen	Girard-Perregaux
Vacheron-Constantin	Omega
Tavannes	Harvel
Jules Jurgensen	Eterna
Howard	Benrus
Illinois	LeCoultre
Glycine	Wyler
Longines	Patek-Phillipe

(2) Maximum prices:

Men's wrist watches

Number of jewels in movement	Solid gold case	Gold filled or rolled gold plate case	Chrome or base metal case
7-9.....	\$18.00	\$12.50	\$10.00
15.....	20.00	15.00	12.50
17.....	32.50	20.00	17.50
19.....	37.50	25.00	20.00
21.....	40.00	27.50	22.50

Pocket watches

7-9.....	23.00	12.50	10.00
15.....	27.50	15.00	12.50
17.....	42.50	20.00	17.50
19.....	47.50	25.00	20.00
21.....	50.00	27.50	22.50

Ladies' wrist watches

7-9.....	15.00	12.50	10.00
15.....	17.50	15.00	12.50
17.....	22.50	20.00	17.50
19.....	25.00	22.50	20.00
21.....	30.00	27.50	22.50

16+ watches which will pass Railroad inspection

	65.00	45.00	35.00
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For the purposes of this section a watch which will pass railroad inspection means a watch which (1) is size 16 or larger, (2) has a movement containing 21 or more jewels, (3) has a stem wind, (4) is lever set, (5) is adjusted to five or more positions, and (6) does not vary more than thirty seconds for any period of thirty days.

(e) The maximum price at retail for any watch with a lever escapement movement of a make not listed in subparagraph (1) of paragraph (d) shall be 66 $\frac{2}{3}$ % of the applicable price set forth in subparagraph (2) of paragraph (d).

(f) Any second-hand watch sold or offered for sale must be tagged with a tag which is prominently and distinctly marked "used". Any person selling any such watch must tell the purchaser or prospective purchaser thereof that the watch is not a new watch and must give the purchaser a sales slip upon which it distinctly appears that the watch sold is a second-hand watch.

Sec. 7. *Maximum price for retail sales of articles listed in Appendix A, which are of special design.* (a) The maximum price of sales at retail of any article of special design shall be the maximum price permitted by section 5 hereof; *Provided, however,* That in the event the maximum price permitted by the provisions of the General Maximum Price Regulation for Hawaii is higher than the maximum price permitted under section 5 hereof, such higher maximum price may be permitted upon the compliance by the seller with the provisions of subparagraph (b) of this section and the subsequent approval of this Office.

(b) Any seller at retail who desires to establish the higher maximum price mentioned in paragraph (a) hereof as his maximum price for any article of special design, shall file with the Office of Price Administration a statement showing the name of the designer of the article, the name of the manufacturer, the type of article, the numbers of such articles being made, all costs, the maximum price for such article established

by section 5 of this regulation, the requested maximum price, and that the seller is the only person offering such article or articles for sale.

SEC. 8 Maximum charges for altering or engraving any article listed or described in Appendix A. Any person who makes sales at retail of any article listed or described in Appendix A, and who alters or engraves the article at the request, and to the specifications, of the buyer, may make a charge and receive payment therefor, in addition to the maximum price established by this regulation; *Provided*, That, (a) the buyer is charged separately for such service, and (b) the charge for such service does not exceed the maximum charge that would be permitted under the provisions of Maximum Price Regulation No. 165,⁷ as amended.

SEC. 9 Application for approval of prices for nationally advertised articles. Application may be made for approval of a price for an article listed in Appendix A which is nationally advertised by the manufacturer thereof, who also requires that such article be sold at the prices established by such manufacturer. The applicant must set forth:

(a) A description of the article.
(b) Proof that such article is nationally advertised by the manufacturer.

(c) Proof that the manufacturer established prior to November 9, 1942 a uniform resale price for the type of sale of this article made by applicant (wholesale or retail), and that the manufacturer required prior to November 9, 1942 that this article be sold at this price for such type of sale.

(d) Proof that the applicant customarily sold this article prior to November 9, 1942 at the price (1) established prior to November 9, 1942 by the manufacturer for the type of sale made by the applicant, and (2) at which the manufacturer required prior to November 9, 1942 that this article be sold for such type of sale.

(e) Proof that the price as to which approval is requested is the price (1) presently established by the manufacturer for the type of sale to be made by applicant, and (2) at which the manufacturer presently requires that this article be sold for such type of sale.

(f) A description of the services, if any, rendered by applicant in connection with the sale of such article prior to November 9, 1942.

(g) A statement whether applicant customarily made an additional charge for such services prior to November 9, 1942, or whether such services were included in the selling price of the article.

(h) A description of the terms of the guarantee, if any, given by applicant in connection with the sale of such article prior to November 9, 1942.

(i) A statement whether applicant made an additional charge for such guarantee or whether such guarantee was included in the selling price of the article.

SEC. 10 Evasive practices. The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, any of the articles which must be priced under this regulation, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement, combination sale, or other trade understanding, or otherwise.

Article III—Miscellaneous

SEC. 11 Petitions for amendment. Any person seeking an amendment of any provision of this Maximum Price Regulation No. 374 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1;⁸ *Provided, however*, That any such petition shall be filed with the Director of the Office of Price Administration for the Territory of Hawaii, Honolulu, T. H.

SEC. 12 Applications for adjustment. (a) Any seller or group of sellers may apply for adjustment of a maximum price of a commodity established for him or them by this Maximum Price Regulation No. 374, or any order issued hereunder, when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such commodity which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such commodity; and

(3) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Except as otherwise provided in this section 12, all applications for adjustment shall be filed in accordance with Procedural Regulation No. 7;⁹ *Provided, however*, That the action to be taken thereunder by the Regional Administrator may be taken in like manner by the Director of the Office of Price Administration for the Territory of Hawaii.

SEC. 13 Records and reports—(a) Required of wholesaler—(1) Purchase records. Every person making sales at wholesale of any article listed or described in Appendix A shall keep, and make available for examination by this Office, for not less than one year after sale of such article, complete and accurate records of each purchase of each such article showing: (i) the date of receipt, (ii) the name and address of the vendor, (iii) the price paid, and (iv) the manufacturer's selling price.

If the wholesaler did not purchase the article from the manufacturer but is relying upon his vendor's written statement of the manufacturer's selling price, he shall keep such statement, and make it available for examination by the Office of Price Administration for not less than one year after sale of such article. The wholesaler shall likewise keep, and make available for examination by the Office of Price Administration for not less than one year after sale of an article his purchase invoice covering that article.

(2) **Sales records.** Every person making sales at wholesale of any article listed, or described in Appendix A shall invoice each sale of each such article. The original invoice shall be delivered to the buyer and shall state: (i) the date of delivery, (ii) the name and address of the buyer, (iii) the price charged and (iv) if the wholesaler has not given his buyer a separate written statement of the manufacturer's selling price, the manufacturer's selling price. The wholesaler shall likewise keep, and make available for examination by this Office, for not less than one year after sale of such article, a copy of the invoice covering that article required to be furnished by him under this section 13 (a) (2).

(b) **Required of retailer—(1) Purchase records.** Every person making sales at retail of any article listed or described in Appendix A, shall keep and make available for examination by this Office for not less than one year after sale of such article, complete and accurate records of each purchase of each such article showing: (i) the date of receipt, (ii) the name and address of the vendor, (iii) the net cost of the article to the retailer and, (iv) if the article was not in the inventory of the retailer as of November 9, 1942, the manufacturer's selling price. If the retailer did not purchase the article from the manufacturer but is relying upon his wholesaler's written statement of the manufacturer's selling price, he shall keep such statement and make it available for examination by this Office for not less than one year after sale of such article. The retailer shall likewise keep and make available for examination by this Office for not less than one year after sale of an article, his purchase invoice covering that article.

(2) **Sales records—(i) Sales slips and receipts.** Any retailer who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the retailer, a description of the article sold, and the price received for it.

(ii) **Other records.** Every retailer shall keep, and make available for examination by the Office of Price Administration, for not less than one year after sale of any article listed or described in Appendix A, records of the same kind as he has customarily kept, relating to the prices charged for such article and, in addition, records showing as precisely as possible, the basis upon which he de-

⁷ 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060 3324, 4782.

⁸ 7 F.R. 8961, 8 F.R. 3313, 3533.

⁹ 7 F.R. 4779, 8 F.R. 970.

terminated the maximum price for such article.

Sec. 14 Posting of prices. Every person offering to sell at retail any article listed or described in Appendix A, shall mark the selling price of such article in a manner plainly visible to, and understandable by, the purchasing public; and a sign stating "Each article in this case is sold at our ceiling price or less" must be placed upon each counter, shelf, rack, or other container where the merchandise is offered for sale.

Sec. 15 Licensing. (a) Every person selling at wholesale or at retail any article listed or described in Appendix A, is by this regulation granted a license as a condition of selling any such article. Such license shall be effective on the effective date of this regulation or when any such person becomes subject to the provisions of this regulation and shall, unless suspended by this Office, remain in effect as long as this regulation remains in effect.

(b) This Office may suspend the license of any person selling at wholesale or at retail any article listed or described in Appendix A, if such person shall (1) violate any provision of this regulation or of any other price regulation which has been or may be issued by the Office of Price Administration, or (2) fail to keep the records required to be kept by this regulation or by any other price regulation which has been or may be issued by the Office of Price Administration.

Sec. 16 Enforcement. (a) Persons violating any provisions of this Maximum Price Regulation No. 374 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest office of the Office of Price Administration.

Sec. 17 Federal and territorial taxes. If, at the time the seller determines his maximum price under the provisions of this regulation, the statute of the United States or the Territory of Hawaii imposing any tax upon, or incident to, the sale or delivery of any article listed or described in Appendix A, does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount as part of the manufacturer's selling price or his net cost in computing his maximum price.

Sec. 18 Definitions. (a) "Articles commonly or commercially known as jewelry" shall include all articles designed to be worn on the person or apparel for the purpose of adornment and

which in accordance with custom or ordinary usage are worn so as to be displayed.

(b) "Precious stones" means:

(1) Any of the following stones weighing more than one karat: ruby, sapphire, emerald, natural pearl; or

(2) Any loose or unset diamond (other than industrial diamond) regardless of weight; or

(3) Any set diamond (other than industrial diamond), weighing more than one karat; or

(4) Two or more diamonds (other than industrial diamonds) with an aggregate weight of 1.50 karats and set in one mounting; or

(5) Any loose or unset jade; or

(6) Any stone, including those above named, after sale by the cutter or importer when the cutter or importer has received more than \$100.00 (one hundred dollars) for the sale of the stone.

Synthetic stones and cultured pearls will not be deemed "precious stones".

(c) "Precious metals and imitations thereof" includes platinum, gold, silver and other metals of similar or greater value and platings and alloys of such metals.

(d) "Sale at wholesale" means a sale by a person who buys a commodity and resells it, without substantially changing its form, to any person other than the ultimate consumer.

(e) "Sale at retail" means a sale to an ultimate consumer.

(f) "Manufacturer's selling price" means the price at which the manufacturer of the article sold and invoiced it, plus transportation costs, including marine and war risk insurance and storage charges incident to delays in shipment, and less all discounts and all allowances allowed the buyer; *Provided, however,* That cash discounts up to 2% shall not be subtracted in determining such manufacturer's selling price.

In the case of an article manufactured outside the United States, its territories and possessions, the importer shall be deemed to be the manufacturer for the purpose of determining the "manufacturer's selling price".

(g) "Net cost" means the amount the buyer paid for the article delivered at his place of business (including transportation costs, marine and war risk insurance, and storage charges incident to delays in shipment, if such expenses are actually incurred by the buyer) less all discounts and allowances, except cash discounts up to 2% allowed the buyer.

(h) "Maximum price" means the maximum price established by this regulation adjusted to the nearest nickel; *Provided, however,* That the maximum price may, at the option of the seller, be deemed to be the nearest half dollar lower than the maximum price computed and adjusted as provided above.

(i) *Antiques.* Antiques are articles which are old, are commonly known and dealt in as antiques by the trade, and are purchased primarily because of their authenticity, age, rarity or style, rather than for utility.

(j) *Articles of special design.* Articles of special design are those in which the original design was conceived and

executed by the seller and manufactured for him to sell as an exclusive and individual item. Articles produced in the course of business on a mass or semi-mass basis will not be deemed articles of special design.

Appendix A

(a) *List of articles which must be priced under this regulation.* All articles commonly or commercially known as jewelry, whether real or imitation; such as rings; bracelets; earrings; chains, singly or with lockets or with crosses; key chains, cuff buttons and cuff links; bead, shell or seed leis and chokers; brooches, clips and pins; necklaces and lavaliers.

All articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; such as wallets; book ends; ash trays; fountain pens and pencils; combs, brushes and fittings; umbrellas; walking sticks; glassware; china; pottery; purses and handbags with frames, snaps, catches, buckles or clips, made of, ornamented, mounted or fitted with, precious metals or imitations thereof.

Watches and clocks.

All metal service insignia, including gold and silver braid.

Cigarette boxes, cases and lighters.

Compacts.

Identification tags.

Lauhala bags.

Mesh bags.

Photograph frames.

Vanity cases.

Binoculars; field, marine and opera glasses.

(b) *List of articles exempted from this regulation.* (1) Sterling silver or silver plate flatware or hollow ware.

(2) Precious stones.

(3) Antiques.

Effective Date

This regulation shall become effective April 20, 1943.

Issued this 20th day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6180; Filed, April 20, 1943; 4:08 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305, Amendment 4]

CORN MEAL, CORN FLOUR, CORN GRITS, HOMINY GRITS, BREWERS GRITS AND OTHER PRODUCTS MADE BY DRY CORN MILLING PROCESS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 305 is amended in the following respects:

1. Section 1351.1754 is amended to read as follows:

§ 1351.1754 *Maximum base point prices for yellow and white corn products.* (a) The maximum base point price for yellow corn products shall be \$2.37 per hundredweight at the basing point of Kansas City, Missouri.

(b) The maximum base point price for white corn products shall be \$2.81 per

* 8 F.R. 1063, 2501, 3178, 3705.

*Copies may be obtained from the Office of Price Administration.

hundredweight at the basing point of Kansas City, Missouri.

2. Section 1351.1764 is amended to read as follows:

§ 1351.1764 *Export sales.* The maximum price at which a person may export corn products shall be determined in accordance with the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

3. § 1351.1766 (a), the word "hominy" appearing immediately after the words "corn grits" is hereby deleted.

4. Section 1351.1776 (c) is hereby revoked.

This amendment shall become effective April 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6201; Filed, April 21, 1943;
11:58 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RO 2B,¹ Amendment 1]

PASSENGER AUTOMOBILES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 2B is amended in the following respect:

1. Section 1.2 is amended to read as follows:

Section 1.2 *The rationing of 1942 passenger cars with a list price of \$2500 and over and 1941 passenger cars which have been driven less than 1000 miles.* ("List Price" whenever used in this order means the list price provided for in OPA Revised Price Schedule No. 85² and amendments thereto.) This section applies only to 1942 passenger cars with a list price of \$2500 and over and to all 1941 passenger cars which have been driven less than 1000 miles. The only other references in this order applying to 1941 cars are found in Article IV.

(a) No person shall transfer or acquire (or offer to transfer or acquire) for the purpose of use a 1941 passenger car which has been driven less than 1000 miles, except as permitted by this section.

(b) Any 1942 passenger car with a list price of \$2500 or over, or any 1941 passenger car which has been driven less than 1000 miles may be transferred to a person for use in carrying on either a gainful occupation or work contributing to the war effort or to the public welfare. Before any of such cars may be trans-

ferred, the transferee and the transferor shall make and sign the following statement, indicating the purposes for which the car will be used:

(Statement of buyer and seller)

I, _____, hereby certify to (Print name of buyer) the Office of Price Administration that I am acquiring the following described passenger car for the following purposes. _____ (Describe the

gainful occupation or work contributing to the war effort or to the public welfare for which you will use this car.)

Description of car

Make _____ Serial No. _____
Year model _____ Engine No. _____
Body type _____

(Buyer's signature)

(Print buyer's address)

(Date)

I, _____, hereby certify to the (Print name of seller) Office of Price Administration that I am transferring the above described car to _____ and that to the best (Print name of buyer) of my knowledge his statement is true and correct in every respect.

(Seller's signature)

(Print seller's address)

(Date)

(c) The signed statement shall be mailed by the transferor to the Office of Price Administration, Washington, D. C., within 5 days from the date that he signed it.

(d) If the conditions of this section have been satisfied, the Office of Price Administration in Washington, D. C. will issue to the transferee of a 1942 passenger car which has a list price of \$2,500 or over a clearance statement permitting him to register the car. A 1941 passenger car transferred under this section may be registered without authorization from the Office of Price Administration.

(e) A person who acquires a car under this section is not required to secure a certificate or other authorization from his Board.

This amendment shall become effective April 27, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1A, 7 F.R. 698, 1493, 2229, 2729, Supp. Dir. 1A, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 21st day of April, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6202; Filed, April 21, 1943;
11:59 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[IMPR 336,¹ Amendment 2]

RETAIL CEILING PRICES FOR PORK CUTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4 of Maximum Price Regulation No. 336 is amended by adding at the end thereof the following:

The pork cuts listed in the "O. P. A. List of Ceiling Prices for Pork Cuts" are defined in Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts. If O. P. A. allows any person to make a different cut, you will receive notice when you buy that cut of the ceiling price you may charge for it at retail.

This amendment shall become effective April 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6203; Filed, April 21, 1943;
12:00 m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 7,² Amendment 10]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 6 is amended in the following respect:

1. Section 1404.2 (1) is amended by inserting after the phrase "excluding all men's and boys' rubber boots and rubber work shoes below size six" the following: "all olive drab, clay or khaki colored above-the-knee height boots,"

This amendment shall become effective April 21, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 421 and 729, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 526 and Supp. Dir. 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6204; Filed, April 21, 1943;
12:00 m.]

¹ 8 F.R. 2859, 4253.

² 7 F.R. 7748, 7967, 8363, 8809, 9084, 9736, 10581, 10781; 8 F.R. 548, 1892.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 2483.

² 7 F.R. 1364, 1675, 2134, 2132, 6048, 6897, 7100, 7436, 7942, 8948, 9899; 8 F.R. 1450, 2040, 3213.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,¹ Amendment 55]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.109a (a) shall be amended to read as follows:

(a) Each owner of a registering unit which includes or is composed of one or more wholesale establishments, more than one retail establishment or a single retail establishment whose gross sales of all meats, groceries, fruits, vegetables and similar products during December 1942, or during any single calendar month since December 1942, were over \$2,500.00, shall open at least one account for all the component establishments of such registering unit.

2. Section 1407.109a (b) is revoked.

3. Section 1407.109a (f) is added to read as follows:

(f) An account which serves a registering unit composed of a single retail establishment for which a ration bank account is not required by paragraph (a) of this section, shall be closed on or before July 3, 1943.

This amendment shall become effective April 27, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2709; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6206; Filed, April 21, 1943; 12:00 m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,² Amendment 30]

COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 12 is amended in the following respects:

1. Section 1407.992 (a) (2) is amended to read as follows:

(2) A single retail establishment whose gross sales of all meats, groceries, fruits, vegetables and similar products

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 2966, 3242, 3783, 4545, 4616, 5193, 5361, 6084, 6473, 6828, 6937, 7269, 7321, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845; 8 F.R. 166, 262, 445, 620, 1028, 1204, 1288, 2026, 2153, 2432, 2433, 2675, 2758, 3176, 3180, 3522, 4484, 4518, 4644.

² 8 F.R. 340, 3843, 4486, 4519, 4892.

made from such establishment during December 1942, or during any single calendar month since December 1942, were more than \$2,500.00; or

2. Section 1407.992 (b) is revoked;

3. Section 1407.992 (f) is added to read as follows:

(f) An account which serves a retail establishment for which a bank account is not required by this section shall be closed on or before July 3, 1943.

This amendment shall become effective April 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10129; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. 3, 8 F.R. 2005)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6205; Filed, April 21, 1943; 12:00 m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,³ Amendment 15]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Rationing Order 13 is amended in the following respect:

Section 7.5 (c) is added to read as follows:

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually keep processed foods at any particular place, his operations as a whole, are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

This amendment shall become effective April 27, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6208; Filed, April 21, 1943; 11:59 a. m.]

³ 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4784, 4726.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,³ Amendment 2 to Rev. Supp. 1²]

PROCESSED FOODS

Revised Supplement No. 1 to Rationing Order 13 is amended in the following respect:

Section 1407.1102 (e) is added to read as follows:

(e) The following are the periods referred to in §§ 2.4 (b) and 9.4 (e) of Rationing Order 13, during which blue stamps may be used by consumers:

(1) Stamps lettered G, H, and J may be used from April 24 to May 31, 1943, inclusive.

This amendment shall become effective April 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6207; Filed, April 21, 1943; 12:00 m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,³ Amendment 12]

MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order 16 is amended in the following respects:

1. Section 4.11 (a) is amended to read as follows:

(a) *Registration.* Every primary distributor must register with the Office of Price Administration. A primary distributor who is required to report on OPA Form R-1606 must register by filing an additional copy of his first report, along with that report. A primary distributor who is required to report on OPA Form R-1609 is considered to be registered when he files his first report.

2. Section 4.11 (b) is amended by inserting, between the fourth and fifth sentences of that paragraph, the following sentence: However, reports due in May, 1943, may be filed on or before May 31, 1943.

This amendment shall become effective April 27, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280,

³ 8 F.R. 1840, 2288, 2677, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921.

² 8 F.R. 3349, 4892.

³ 8 F.R. 3591, 3715, 3949, 4137, 4350, 4721, 4423, 4784, 4893.

7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6209; Filed, April 21, 1943;
11:59 a. m.]

PART 1413—SOFTWOOD LUMBER PRODUCTS
[Rev. MPR 13, Amendment 4]

DOUGLAS FIR PLYWOOD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Item I of § 1413.4 (a) is amended to read as follows:

Item I The maximum carload f. o. b. mill price for direct mill sales.

This amendment shall become effective April 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6210; Filed, April 21, 1943;
12:00 m.]

PART 1499—COMMODITIES AND SERVICES
[Order 412 Under § 1499.3 (b) of GMPR]

WILBUR-SUCHARD CHOCOLATE COMPANY INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1899 *Authorization of maximum prices for "Dri-Syrup" manufactured by Wilbur-Suchard Chocolate Company, Inc., Lititz, Pennsylvania.* (a) On and after April 22, 1943, the maximum delivered prices for "Dri-Syrup", manufactured by Wilbur-Suchard Chocolate Company, Inc., shall be as set forth below:

One pound cartons—12 cartons per case—\$2.40 per case.

One-half pound cartons—12 cartons per case—\$1.38 per case.

One-quarter pound cartons—24 cartons per case—\$1.56 per case.

(b) This order may be revoked or amended by the Administrator, at any time.

(c) This Order No. 412 (§ 1499.1899) shall become effective April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6211; Filed, April 21, 1943;
11:58 a. m.]

*Copies may be obtained from the Office of Price Administration.

Chapter XIII—Petroleum Administration
for War

[PAO 11, Supp. Order 4 as Amended April 19, 1943¹]

PART 1515—PETROLEUM PRODUCTION
OPERATIONS

DRILLING OF NEW WELLS

General exception pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11.

§ 1515.10 *Supplementary Order No. 4 to Petroleum Administrative Order No. 11*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No. 11 or by the provisions of any exception issued pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, the provisions of this order shall, to the extent provided herein, be applicable to production operations in the fields and pools of the State of California specified in Exhibit A,² but not elsewhere.

(b) *Definitions.* The definitions of Petroleum Administrative Order No. 11 shall apply in this order. In addition:

(1) "Designated area" means the pools specified in Exhibit A of this order.

(2) "New well" means an oil well spudded subsequent to April 22, 1943.

(3) "Rework" means to perforate, plug back, deepen, redrill, clean out or otherwise rework an existing well in that pool from which such well is producing or last produced but excluding redrilling from a point more than 500 feet above such pool.

(c) *New well drilled in the designated area.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, any person may accept delivery of, acquire, or use material to drill, complete, equip, and connect any new well in the designated area: *Provided, That:*

(1) Such well is drilled to and completed in a pool specified in Columns Nos. 3 and 4 of Exhibit A of this order opposite the name of the field in which such pool is located; and

(2) Such well is not drilled to a vertical depth greater than the depth specified in Column No. 5 of Exhibit A of this order opposite the name of the pool to which such well is drilled; and

(3) Such well is not completed in more than one pool; and

(4) Such well is drilled, with respect to the pool in which it is to be completed, in conformity with the uniform well-spacing provisions contained in paragraph (d) of this order, of at least the size prescribed for such pool in Column No. 6 of Exhibit A: *Provided, That* where no uniform well-spacing is prescribed in Column No. 6 of Exhibit A for a pool, the provisions of paragraph (c) of this order shall not extend to such pool; and

(5) All separate property interests in the drilling unit on which such well is drilled are first consolidated with each other; and

(6) The direct linear distance between any two points which are farthest removed from each other on the drilling unit upon which such well is drilled does not exceed the length of the diagonal of a rectangle, the length of which is twice its width and which is equivalent in surface acreage to such drilling unit; and

(7) If such well is intentionally deviated from the vertical:

(i) The surface location of such well shall be deemed to be the point at which the vertical projection of the bottom of the well bore intersects the surface, and

(ii) Two copies of a true and correct subsurface directional survey of its well bore shall be filed with the District Director of Production, District No. Five within 30 days after the completion of such well.

(d) *Uniform well-spacing*—(1) *Uniform 5 acre well-spacing.* Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 5 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled:

(a) Such well is drilled on a drilling unit of not less than 5 surface acres, no portion of which is attributable to or falls within 200 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 400 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 200 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(2) *Uniform 10 acre well-spacing.* Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 10 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled,

(a) Such well is drilled on a drilling unit of not less than ten surface acres, no portion of which is attributable to or falls within 250 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 500 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 300 feet from every lease line, property line or subdivision line which separates unconsolidated property interests.

(3) *Uniform 20 acre well-spacing.* Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 20 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled:

(a) Such well is drilled on a drilling unit of not less than 20 surface acres, no portion of which is attributable to or falls within 300 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 800 feet from every other drilling or producible oil well; and

¹ 8 F.R. 3955, 3958, 3959, 3960, 4261, 4792.

² Filed as part of the original document. Copies may be obtained from the Petroleum Administration for War, Interior Building, Washington, D. C., or Subway Terminal Building, Los Angeles, Calif. Ref.: Supp. Order 4 to PAO 11.

(c) Such well is drilled at least 300 feet from every lease line, property line or subdivision line which separates unconsolidated property interests.

(4) *Uniform 40 acre well-spacing.* Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 40 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled:

(a) Such well is drilled on a drilling unit of not less than 40 surface acres, no portion of which is attributable to or falls within 300 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 990 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 300 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(e) *Computation of attributable acreage.* (1) The acreage attributable to any well spudded on or before December 23, 1941, shall be determined by assigning to such well an acreage equivalent to that in the existing well density or well-spacing contiguous to such well, but not greater than that provided in Exhibit A for a new well to the same pool in which such well is completed.

(2) The acreage attributable to any well spudded subsequent to December 23, 1941, shall be the same as the drilling unit assigned to such well pursuant to Conservation Order M-68, any Supplementary M-68 Order, any exception issued pursuant to a determination under Conservation Order M-68, or pursuant to Petroleum Administrative Order No. 11, any order issued as a supplement to Petroleum Administrative Order No. 11, or any exception issued in response to an application filed as provided by paragraph (j) of this order, whichever is applicable.

(f) *Rework of well in the designated area.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11, any person may accept delivery of, acquire, or use material to rework (but not to deepen or plug-back from one pool to another) any oil well in the designated area: *Provided*, That with respect to the productive acreage within the pool in which such well is completed, the number of wells on any single lease or tract which are reworked subsequent to the date of this order does not at any time exceed the average well density specified in Column No. 7 of Exhibit A opposite the name of the pool in which such well is completed: *Provided further*, That where no well density is prescribed in Column No. 7 of Exhibit A for a pool, the provisions of this paragraph (f) shall not extend to such pool.

(g) *Restrictions on new wells in pools designated "E" in Column No. 6 of Exhibit A.* Notwithstanding the provisions of paragraphs (c) (6) and (c) (7) of Petroleum Administrative Order No. 11, no person shall accept delivery of, acquire, or use material to drill, complete, equip, or connect any new well in any pool in the designated area which is marked "E"

in Column No. 6 of Exhibit A opposite such pool except in conformity with an exception issued by the Petroleum Administration for War in response to an application filed as provided by paragraph (j) of this order.

(h) *Restriction on exposing more than one pool in same well-bore.* Notwithstanding the provisions of paragraphs (c) (6), (c) (7), and (c) (9) of Petroleum Administrative Order No. 11 or the provisions of this order, no person shall accept delivery of, acquire, or use material to complete or recomplete any well in the State of California in more than one pool except in conformity with an exception issued by the Petroleum Administration for War in response to an application filed as provided by paragraph (j) of this order.

(i) *Installation of pumping or other artificial lifting equipment.* Pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11 and subject to the provisions contained in paragraph (f) thereof, any person may accept delivery of, acquire, or use material for pumping or other artificial lifting equipment to be installed on any oil well in the designated area: *Provided*, That the number of wells on any lease or tract to which pumping or other artificial lifting equipment is attached does not at any time with respect to the productive acreage within the pool in which such well is completed exceed the average well density specified in Column No. 8 of Exhibit A opposite the name of such pool: *Provided further*, That where no well density is prescribed in Column No. 8 of Exhibit A for a pool, the provisions of this paragraph (i) shall not extend to such pool.

(j) *Filing of application for exceptions.* All copies of application for exceptions pursuant to paragraphs (c) (10) and (g) of Petroleum Administrative Order No. 11 covering a production operation within PAW District No. 5 together with the information required thereby shall be addressed to:

(1) The District Director of Production, District No. 5 where a crude oil operation including pressure maintenance, repressuring, and secondary recovery operations; or

(2) The District Director of Natural Gas and Natural Gasoline, District No. 5, for a natural gas, natural gasoline or condensate operation.

The application and information shall be filed in triplicate with the Petroleum Administration for War, Subway Terminal Building, Los Angeles, California, Ref: PAO 11.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(l) This order shall be effective on and after April 22, 1943.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of April 1943.

R. K. DAVIES,
Acting Petroleum
Administrator for War.

[F. R. Doc. 43-6185; Filed, April 21, 1943; 10:39 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service

PART 11—FOREIGN QUARANTINE

APPLICATION OF CERTAIN LAWS AND REGULATIONS TO CIVIL AVIATION

NOTE: For the text of the amendments to this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *supra*.

Notices

WAR DEPARTMENT.

[Public Proclamation 17]

ARMY PERSONNEL OF JAPANESE ANCESTRY ON WEST COAST

SUSPENSION OF RESTRICTIONS

APRIL 19, 1943.

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

To the people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona, and the public generally:

Whereas it appears desirable in the national interest to revise the restrictions governing the entry and movement of persons of Japanese ancestry within certain military areas of Western Defense Command as specified below, to permit such persons who are members of the Army of the United States on active duty or who have been inducted and are in uniform on furlough or leave, to enter and travel within Military Area No. 1 and that portion of Military Area No. 2 lying within the State of California while on such furlough or leave:

Now, therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War, and my powers and prerogatives as Commanding General, Western Defense Command, do hereby declare and proclaim that:

All terms and conditions of Public Proclamations, Civilian Exclusion Orders and Civilian Restrictive Orders, this headquarters, heretofore issued, governing the presence, entry and movements of persons of Japanese ancestry within said military areas of Western Defense Command are suspended in said military areas as to persons of Japanese ancestry

who are members of the Army of the United States on active duty or who have been inducted and are in uniform while on furlough or leave.

J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

[F. R. Doc. 43-6184; Filed, April 21, 1943;
10:28 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1915]

SUNLIGHT COAL COMPANY

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

In the matter of tax petition of District Board 11 for the establishment of temporary price classifications and minimum prices for the coals produced at a new pit operation at the Sunlight No. 11 Mine of the Sunlight Coal Company, a code member in District No. 11.

On March 22, 1943, an original petition was filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Board 11, requesting the establishment of temporary price classifications and minimum prices for coals to be produced for shipment by both rail and truck from a new pit operation at the Sunlight No. 11 Mine, of the Sunlight Coal Company, Mine Index No. 87, located in District No. 11.

The District Board alleges that the new pit at the Sunlight No. 11 Mine is located in Warrick County in the Boonville Subdistrict of District No. 11, approximately a mile from the present operations of Sunlight No. 11 Mine; that the coal to be mined from said pit is identified as "Millersburg Vein" which is thought to be similar to the Standard Fifth Vein coals now mined in the same vicinity; and that the tippie and loading facilities at the Sunlight No. 11 Mine, located at Boonville, Indiana, on the Southern Railway will be utilized for the production from this pit. The District Board further alleges that it is unable at the present time to make a thorough investigation of the seam of coal to be mined at this pit and hence requests that temporary price classifications and minimum prices be established so that the Sunlight Coal Company may ship coals produced from the new pit at such temporary price classifications and minimum prices until such time as permanent price classifications and minimum prices may be established.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending further order, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 11 for all shipments except truck, and for truck shipments are supplemented to include the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T, annexed hereto and made a part hereof.¹

An order scheduling a hearing to adduce facts upon which final relief in this matter may be based will be issued in due course.

Dated: April 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-6190; Filed, April 21, 1943;
11:17 a. m.]

Project designation	Date of executive order	Amount of allocation	Amount of allocation advanced	New project designation
Nebraska 6026A1 Loup River District Public. (Allocated as Nebraska 26 Platte, changed by General Memorandum No. 49, dated Aug. 28, 1940.)	Apr. 25, 1936. Reduction by General Memorandum No. 50, dated Dec. 10, 1940.	\$391,000.00 16,084.82	----- -----	Nebraska 81 Cornhusker District Public (Nebraska 6026A1 Loup River District Public).
		\$374,915.18	\$374,915.18	

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-6195; Filed, April 21, 1943; 11:27 a. m.]

[Administrative Order 753]

ALLOCATION OF FUNDS FOR LOANS

APRIL 1, 1943.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Colorado 3-1034C1 Eagle.....	\$175,000
Kansas 3-1028B1 Norton.....	10,000
Minnesota 3-2062C2 Wright.....	50,000
Missouri 3-1043C1 Laclede.....	216,000
Virginia 3-1035G1 Madison.....	45,000
Washington 3-1042A1 Clallam District Public.....	120,000
Washington 3-1042G1 Clallam District Public.....	63,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-6196; Filed, April 21, 1943;
11:27 a. m.]

¹ Not filed as part of the original document.

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[General Memorandum 57]

ALLOCATION OF FUNDS FOR LOANS

APRIL 8, 1943.

The allocation specified below was made by Executive Order under the Emergency Relief Appropriation Act of 1935. It is now desired to change the allocation designation in accordance with the provisions of the amendment to General Order No. 84, dated August 15, 1941, the loan made to the Loup River Public Power District having been assumed by the Cornhusker Rural Public Power District. However, inasmuch as Executive Orders cannot be amended by Administrative Order, such allocation designation should for the purposes of our records be deemed to be changed as follows:

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-20]

COORDINATED OPERATION BETWEEN POINTS IN MISSOURI

BYERS TRANSPORTATION COMPANY, INC.
CHURCHILL TRUCK LINES, INCORPORATED

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property in less-than-truckload lots between points in Missouri, filed with the Office of Defense Transportation by Byers Transportation Company, Inc., Kansas City, Missouri, and Churchill Truck Lines, Incorporated, Meadville, Missouri, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies, and to assure the maximum utilization of such transportation equipment, the attainment of which purposes is essential to the successful prosecution of the war; It is hereby ordered, That:

1. Byers Transportation Company, Inc. shall:

(a) Discontinue the transportation of less-than-truckload shipments between Meadville, Missouri, and Bevier, Brown, Bucklin, Callao, Galt, Harris, Laclede, Laredo, Lemons, Linneus, Lucerne, Marceline, Milan, Newtown, New Cambria, Osgood, Pollock, Powersville, Purdin, Reger, Unionville, and Wheeling, Missouri and shall divert to Churchill Truck Lines, Incorporated, at Meadville, Missouri, all less-than-truckload shipments destined to such other points; and

(b) Accept from Churchill Truck Lines, Incorporated, at Meadville, Missouri, all shipments diverted to it pursuant hereto.

2. Churchill Truck Lines, Incorporated shall:

(a) Discontinue the transportation beyond Meadville of all less-than-truckload shipments originating at points named in paragraph one hereof and destined to St. Louis, Missouri, or routed through that gateway, and shall divert all such shipments to Byers Transportation Company, Inc., at Meadville, Missouri; and

(b) Accept from Byers Transportation Company, Inc., at Meadville, Missouri, all shipments diverted to it pursuant hereto.

3. The carrier to whom a shipment has been diverted shall forward such shipment pursuant to the lawfully applicable rates, charges, rules and regulations of the carrier issuing the bill of lading.

4. Byers Transportation Company, Inc. shall discontinue the use of a separate terminal at Meadville, Missouri; and the carriers shall use jointly the terminal now used by Churchill Truck Lines, Incorporated at that point.

5. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

6. The records of the carriers shall be available for examination and inspection at all reasonable times by a representative of the Office of Defense Transportation.

7. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

8. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

9. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

10. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—20", and should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

11. This Supplementary Order ODT 3, Revised—20, shall become effective April 28, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of April 1943.

JOSEPH B. EASTMAN,
Director of the Office of
Defense Transportation.

[F. R. Doc. 43-6194; Filed, April 21, 1943;
11:14 a. m.]

[Supplementary Order ODT 3, Revised—21]

COORDINATED OPERATION BETWEEN ALICE
AND FREER, TEXAS

BROWN EXPRESS, ET AL.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property from Alice, Texas, to Freer, Texas, filed with the Office of Defense Transportation by Brown Express, a corporation, of San Antonio, Texas, Alamo Freight Lines, Inc., a corporation, of San Antonio, Texas, J. H. Robinson Truck Lines, Incorporated, a corporation, of Corpus Christi, Texas, and Burdette A. Lay, doing business as (and hereinafter referred to as) Lay's Motor Freight Line, of Freer, Texas, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is required in order to conserve and providently utilize materials and equipment, and to assure the maximum utilization of such materials and equipment, by reason whereof, It is hereby ordered, That:

1. Brown Express, Alamo Freight Lines, Inc. and J. H. Robinson Truck Lines, Incorporated, shall discontinue the transportation of shipments of property in less-than-truckload lots moving from Alice, Texas, or through that gate-

way, to Freer, Texas (except when either of such carriers shall have available a sufficient quantity of such shipments to load to capacity a vehicle, in which event it may perform such transportation); and shall divert such shipments to Lay's Motor Freight Line at Alice, Texas, for transportation from such point to Freer, Texas.

2. Lay's Motor Freight Line shall accept all shipments diverted to it at Alice, Texas, by Brown Express, Alamo Freight Lines, Inc. and J. H. Robinson Truck Lines, Incorporated, and shall transport such shipments over its route from Alice to Freer, Texas, pursuant to the lawful rates and the rules and regulations of the diverting carrier.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by any appropriate State regulatory body or bodies, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs, or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

6. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3, Revised—21".

This order shall become effective April 28, 1943, and shall remain in full force and effect until the termination of the

present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 21st day of April 1943.

JOSEPH B. EASTMAN,
Director of the Office of
Defense Transportation.

[F. R. Doc. 43-6193; Filed, April 21, 1943;
11:14 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 280 Under MPR 188]

MRS. S. H. GRAUTEN

APPROVAL OF MAXIMUM PRICE

Order No. 280 under § 1499.148 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales of a new bread slicer by Mrs. S. H. Grauten.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Mrs. S. H. Grauten, 1722 Harrison Street, Evanston, Illinois, may sell and deliver her new bread slicer manufactured by her at a price no higher than \$.77 per unit.

(b) This Order No. 280 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 280 shall become effective on the 22d day of April, 1943.

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6212; Filed, April 21, 1943;
11:57 a. m.]

[Order 281 Under MPR 188]

HILO INSULATION CO.

APPROVAL OF MAXIMUM PRICE

Order No. 281 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales of a bread slicer by Hilo Insulation Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as

amended, and Executive Order No. 9250, *It is ordered:*

(a) Hilo Insulation Company, 98 Massachusetts Avenue, Boston, Massachusetts, may sell and deliver its new bread slicer described in its application dated February 22, 1943, at a price no higher than \$.42.

(b) This Order No. 281 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 281 shall become effective on the 22d day of April 1943.

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6213; Filed, April 21, 1943;
11:58 a. m.]

[Order 282 Under MPR 188]

EMIL ROTTSMAN

APPROVAL OF MAXIMUM PRICE

Order No. 282 under § 1499.148 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of a maximum price for sales of a bread slicer by Emil Rottersman.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Emil Rottersman, 700 South 18th Street, St. Louis, Missouri, may sell and deliver his new bread slicer described in an application dated February 27, 1943, at a price no higher than \$.80.

(b) This Order No. 282 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 282 shall become effective on the 22d day of April 1943.

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6214; Filed, April 21, 1943;
11:58 a. m.]

[Order 283 Under MPR 188]

ANNETTE RUGS

APPROVAL OF MAXIMUM PRICE

Order No. 283 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sale by Mrs. A. O. Fullerton of an oval braided rug.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Mrs. A. O. Fullerton, doing business as Annette Rugs, Hendersonville, North Carolina, may sell and deliver to retail dealers the oval cotton braided rug, known as "Annette" at prices f. o. b. Hendersonville, North Carolina, no higher than those set forth below:

Size:	Maximum price
20" x 32"	\$0.90
22" x 40"	\$1.25

These prices are subject to discounts for cash of 5% or 4/10/60 X.

(b) This Order No. 283 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 283 shall become effective April 22d, 1943.

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6216; Filed, April 21, 1943;
11:57 a. m.]

[Order 1 Under MPR 241]

FRAZER & JONES COMPANY

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1 under § 1421.107 (a) of Maximum Price Regulation 241—Malleable Iron Castings; Docket No. 3241-1.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for malleable iron castings sold by Frazer & Jones Company. (a) On and after January 18, 1943, Frazer & Jones Company, 3000 Milton Avenue, Solway, New York, is hereby authorized to sell, offer to sell and deliver, and any person is authorized to buy, offer to buy and receive from said Company, malleable iron castings at prices not in excess of said Company's applicable maximum prices under Maximum Price Regulation 241, plus 12% of said maximum prices before the addition of charges, if any, for transportation.

(b) *It is further ordered,* That Frazer & Jones Company shall (1) revise any contracts which it has entered into at prices in excess of those permitted by this order in accordance with the terms of this order, (2) refund to its purchasers any payments made on malleable iron castings delivered on and after January 18, 1943, which are in excess of the maximum prices permitted by this order and (3) file a statement with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., within 60 days after the effective date of this order, to the effect that any such contracts were reduced in accordance with

the terms of this order, and wherever required, refunds were made.

(c) The permission granted in paragraph (a) of this order to Frazer & Jones Company is subject to the conditions specified in paragraph (b) herein and also to the following condition: Said Company shall submit to the Office of Price Administration, Washington, D. C., the following documents, all prepared in accordance with recognized accounting principles and submitted under oath or affirmation: (1) monthly profit and loss statements, said statements to be filed within thirty days following the close of each month beginning with the month of April 1943, (2) monthly profit and loss statements for the months of January, February and March 1943, said statements to be filed not later than April 31, 1943, (3) quarterly balance sheets, said balance sheets to be filed within thirty days following the close of each quarter-year beginning with the first calendar quarter of 1943, (4) the profit and loss statements filed pursuant to (1) and (2) of this paragraph (c) must show (i) gross sales, (ii) returns and allowances, (iii) net sales, (iv) manufacturing costs, segregating total labor costs, exclusive of general and administrative salaries, total metal costs, and total other manufacturing costs, (v) general and administrative expenses, segregating total compensation to owners, officers and directors, (vi) net profits before income and excess profits taxes, (vii) weight of good castings produced and weight of castings delivered, and (viii) all charges to operations representing accumulations of reserves: *Provided*, That said Company need not file any of the foregoing financial data if it has filed such data, or in the future does file such data on or before the time limits specified in this paragraph (c), on Form A—Annual Financial Report, or Form B—Interim Financial Report, issued by the Office of Price Administration.

(d) All prayers of the petition not granted herein are denied.

(e) Nothing in this Order No. 1 shall be taken as a waiver or a condonation of any violation of Maximum Price Regulation 241 by Frazer & Jones Company.

(f) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

This Order No. 1 shall become effective April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6215; Filed, April 21, 1943;
11:57 a. m.]

[Order 15 Under MPR 244]

SAN FRANCISCO IRON FOUNDRY
ADJUSTMENT OF MAXIMUM PRICES

Order No. 15 under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings; Docket No. 3244-20.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by San Francisco Iron Foundry. (a) On and after the effective date of this order, San Francisco Iron Foundry, 260 Townsend Street, San Francisco, California, is hereby authorized to sell, offer to sell and deliver, and any person is authorized to buy, offer to buy and receive, gray iron castings at prices not in excess of San Francisco Iron Foundry's applicable maximum prices under Maximum Price Regulation 244, plus 4% of said maximum prices before the addition of charges, if any, for transportation.

(b) San Francisco Iron Foundry is hereby ordered to revise any contract which it has entered into at prices in excess of those permitted by this order in accordance with the terms of this order and to refund to its purchasers any payments made on gray iron castings delivered on and after December 21, 1942, which are in excess of the maximum prices permitted by this order. San Francisco Iron Foundry is hereby further ordered to file a statement with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., within 60 days after the effective date of this order, to the effect that any such contracts were reduced in accordance with the terms of this order, and wherever required, refunds were made.

(c) The permission granted in paragraph (a) of this order to the San Francisco Iron Foundry is subject to the condition that the requirements of paragraph (b) herein be observed, and also to the following condition: Said Company shall submit to the Office of Price Administration, Washington, D. C., on or before the last day of each month following the close of each quarter year beginning with the quarter ending March 31, 1943, the following documents signed under oath or affirmation and prepared in accordance with recognized accounting principles: (1) Profit and loss statements for the preceding quarter, (2) balance sheets as of the close of the preceding quarter, (3) the profit and loss statements filed pursuant to (1) of this paragraph (c) must show (i) net sales, (ii) cost of commodities and services sold, stating separately total labor costs, total material costs, and total other manufacturing costs, (iii) general and administrative expenses, segregating compensation to officers and directors, and (iv) net profits before income and excess profit taxes: *Provided*, That said Company need not file any of the foregoing financial data if it has filed such data or in the future does file such data on or before the time limits specified in this paragraph (c), on Form A—Annual Financial Report or Form B—Interim Financial Report, issued by the Office of Price Administration.

(d) All prayers of the petition not granted herein are denied.

(e) Nothing in this Order No. 15 shall be taken as a waiver or a condonation of any violation of Maximum Price Regulation 244 by San Francisco Iron Foundry.

(f) This Order No. 15 may be revoked or amended by the Price Administrator at any time.

This Order No. 15 shall become effective April 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6218; Filed, April 21, 1943;
11:57 a. m.]

[Amendment 1 to Order 49, RPS 64]

COLUMBUS STOVE COMPANY

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order No. 49 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

For the reasons set forth in an opinion, which is issued simultaneously herewith, and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, the text of paragraph (a) of Order No. 49 under Revised Price Schedule No. 64 is amended to read as follows:

(a) Columbus Stove Company, Columbus, Ohio, may sell, offer to sell, deliver or transfer its model designated as 37LIT, 37LI and 37I at prices no higher than those specified, (in less than car-load lots):

Model 37LIT—Insulated, with oven heat control and top lighter, \$29.70 f. o. b. factory to dealers.

Model 37LI—Insulated, with top lighter, \$26.85 f. o. b. factory to dealers.

Model 37I—Insulated only, \$26.48 f. o. b. factory to dealers.

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model designated as 144 LIT when sold insulated with oven heat control and top lighter, as model 144 LI when sold insulated with top lighter, and as model 144I when sold insulated only, respectively, as established under Revised Price Schedule No. 64.

This Amendment No. 1 to Order No. 49 shall become effective on the 22d day of April 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7th F.R. 7871)

Issued this 21st day of April 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-6217; Filed, April 21, 1943;
11:57 a. m.]

17 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221, 8948; 8 F.R. 1974, 4650.